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## Rules, Regulations, Orders

### TITLE 8—ALIENS AND NATIONALITY CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[6th Supplement to General Order No. C-28]

ADDITIONAL REGULATIONS RELATING TO  
NATIONALITY, NATURALIZATION, REGIS-  
TRATION OF ALIENS, AND RELATED MAT-  
TERS

DECEMBER 20, 1941.

Pursuant to the authority conferred by the Nationality Act of 1940, particularly section 327 thereof (54 Stat. 1150; 8 U.S.C. 727), the Alien Registration Act, 1940, particularly section 37 thereof (54 Stat. 675; 8 U.S.C. 458), § 90.1, Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503), and all other authority conferred by law, the following regulations are hereby prescribed in aid of the administration and enforcement of those statutes and of the immigration laws of the United States. These regulations are published as the indicated parts and sections of said Title 8, Chapter I, Code of Federal Regulations.

#### SUBCHAPTER A—ADMINISTRATIVE ORGANIZATION

##### PART 60—ADMINISTRATIVE FIELD OFFICERS

The following new section is hereby added to this part:

§ 60.6 *Authority to administer oaths and take depositions.* All patrol inspectors, immigrant inspectors, naturalization examiners, and officers of the Immigration and Naturalization Service of a higher grade are hereby authorized to administer oaths and to take depositions without charge in matters relating to the administration of the naturalization and citizenship laws. (Sec. 23, 39 Stat. 892, 8 U.S.C. 102; sec. 24, 43 Stat. 166, 8 U.S.C. 222; sec. 327, 54 Stat. 1150, 8 U.S.C. 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1)

#### SUBCHAPTER B—IMMIGRATION REGULATIONS

##### PART 170—REGISTRATION AND FINGERPRINTING OF ALIENS IN ACCORDANCE WITH THE ALIEN REGISTRATION ACT, 1940

Present § 170.2 (§ 29.2 of General Order C-21 of August 8, 1940, 5 F.R. 2837), is rescinded and in lieu thereof the following is published:

§ 170.2 *Who are aliens required to register and be fingerprinted.* (a) An alien, as the term is used in this part, includes any person who is not a citizen of the United States.

(b) United States citizenship is acquired by birth or naturalization, but a person who, being an alien, has applied for naturalization does not become a citizen until he has been finally admitted to citizenship as required by law.

(c) Persons who may be in doubt as to whether they are aliens required to register and be fingerprinted may consult any representative of the Immigration and Naturalization Service. Any person who continues to remain in doubt as to his status should register. No person who registers shall thereby suffer any prejudice to his claim to citizenship. (Sec. 32 (c), sec. 34 (a), and sec. 37 (a), Act of June 28, 1940, 54 Stat. 674, 675; 8 U.S.C. 453, 455, 458)

#### SUBCHAPTER D—NATIONALITY REGULATIONS

##### PART 301—DEFINITIONS OF WORDS AND PHRASES USED IN THE NATIONALITY ACT OF 1940

The following new section is hereby added to this part:

§ 301.18 *Definition of other terms.* (a) Words importing the masculine gender shall include the feminine gender.

(b) Words importing the plural number shall include the singular, and words importing the singular shall extend and be applied to the plural.

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(c) The reference to any officer shall include any person authorized by law or regulation to perform the duties of the office held by such officer.

(d) The requirement of an "oath" shall be deemed complied with by making affirmation in judicial form. (Rev. Stat. 1878, sec. 1; 1 U.S.C. 1; sec. 327, 54 Stat. 1150, 8 U.S.C. 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR. 90.1)

### PART 361—OFFICIAL FORMS

The following new sections are hereby added to this part:

§ 361.8 *Discrepancies, corrections, or amendments in declarations of intention or petitions for naturalization.* Any material discrepancies in a declaration of intention or proposed amendments to a petition for naturalization shall be brought formally to the attention of the court for appropriate action at the final hearing upon the petition for naturalization. Except as authorized by §§ 361.6 and 361.7, no requests or suggestions to clerks of courts to make corrections in

a declaration of intention or petition for naturalization shall be made by any member of the Immigration and Naturalization Service. When the court orders a petition for naturalization, or the declaration of intention filed with and made a part of such petition, amended at a final hearing, the amendatory order shall be prepared in triplicate, and the original of such order filed with the original petition, and the duplicate and triplicate copies transmitted to the appropriate district or divisional director, who shall forward the duplicate order to the Central Office.\* (Nationality Act of 1940, secs. 331, 332, and 334 (d), 54 Stat. 1153-1156, 1157; 8 U.S.C. 731, 732, 734)

\*§§ 361.8 and 361.9 issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675; 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied, or statutes giving special authority are listed in parentheses at the end of specific sections.

§ 361.9 *Amendment of petition for naturalization or certificate of naturalization after final action by the court—(a) Petition for naturalization.* Where an application is made to the naturalization court for amendment of a petition for naturalization, after the petition for naturalization has been granted, the facts shall be reported to the Central Office, with appropriate recommendation, for consideration and instruction as to the position to be taken by the Service when such application comes before the court for disposition. In the absence of instructions from the Central Office, the representative of the Service shall oppose all applications to any court for such amendments which affect either the jurisdiction of the court or the judgment of naturalization. No objection shall be made to a proposed amendment to a petition for naturalization to correct a clerical mistake or an error therein arising from an oversight or omission on the part of the clerk of court or the Service. The Service shall be governed by the rules of the court in which the petition for naturalization was filed in determining whether the petition to amend the petition for naturalization is timely.

(b) *Certificate of naturalization.* Objection shall be made to the alteration of a certificate of naturalization which would cause it to vary from the record on which the naturalization was granted.\* (Rules 6 (c) and 60 (a), Federal Rules of Civil Procedure which are set forth following 28 U.S.C.A. 723c; Nationality Act of 1940, secs. 331, 332, and 336, 54 Stat. 1153-1156, 1157; 8 U.S.C. 731, 732, 736)

### PART 378—CERTIFICATE OF NATURALIZATION FOR VETERAN OF WORLD WAR ALLIED FORCES

The following new sections are hereby added to this part:

§ 378.3 *Application for certificate of repatriation; who may make; proce-*



*dure; form; fee.* A person in the United States, who, before January 13, 1941, resumed citizenship of the United States under the twelfth subdivision of section 4 of the Act of June 29, 1906, as amended (40 Stat. 545, 46 Stat. 791; 8 U.S.C. 18), and who desires to obtain a certificate evidencing such citizenship, shall fill out properly, sign, and forward application Form N-579 direct to the Commissioner of Immigration and Naturalization, Washington, D. C. Such application shall be accompanied by three photographs of the applicant in accordance with Part 364 of this chapter and the statutory fee of one dollar in the form of a United States postal money order payable to the order of the "Commissioner of Immigration and Naturalization, Washington, D. C."\* (46 Stat. 791; 8 U.S.C. 18)

\*§§ 378.3 to 378.4 issued under the authority contained in sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied, or statutes giving special authority are listed in parentheses at the end of specific sections.

§ 378.4 *Investigation; certificate of repatriation; by whom issued; delivery; receipt; proof.* The Commissioner of Immigration and Naturalization may, if deemed necessary, transmit the application referred to in § 378.3 to the appropriate district director for investigation. Upon proof to the satisfaction of the commissioner that the applicant resumed United States citizenship as claimed, the certificate of repatriation shall be issued and delivered to the applicant in person upon his signed receipt therefor, provided that he is then in the United States. Every applicant for a certificate under this Part shall be required to satisfy the Service that he has not, since he acquired United States citizenship under the twelfth subdivision of section 4 of the Act of June 29, 1906, as amended, lost such citizenship.\* (46 Stat. 791; 8 U.S.C. 18)

The following new Parts are hereby added to Subchapter D:

- Part<sup>1</sup>
- 314 Acquisition of citizenship or nationality subsequent to birth: By judicial naturalization of individuals.
  - 322 General class of persons who may be naturalized.
  - 332 Special classes of persons who may be naturalized: Persons misinformed as to their citizenship status.
  - 334 Special classes of persons who may be naturalized: Veterans of the United States armed forces.
  - 337 Special classes of persons who may be naturalized: Seamen.
  - 345 Special classes of persons who may be naturalized: Nationals but not citizens of the United States.

<sup>1</sup> This table of contents includes only the parts of Subchapter D published in this issue of the FEDERAL REGISTER. Necessary additions to the subchapter will be made hereafter. See also previously published parts and amendments at 6 F.R. 231, 3579, 4296, 4780, 5800, 6450.

#### PART 314—ACQUISITION OF CITIZENSHIP OR NATIONALITY SUBSEQUENT TO BIRTH: BY JUDICIAL NATURALIZATION OF INDIVIDUALS

Sec.

314.1 Persons naturalized by judicial action; effective date.

314.2 Naturalization of individuals by judicial action where citizenship is in doubt.

§ 314.1 *Persons naturalized by judicial action; effective date.* Any person who was or shall hereafter be admitted to citizenship by the written order of a court authorized to exercise naturalization jurisdiction, became or shall become a citizen and national of the United States as of the date of taking and subscribing to the required oath of renunciation and allegiance, or the granting by such court of the waiver of such oath because of infancy where permitted by law. (Constitution, Amendment Art. XIV; secs. 327 and 335 (a), 54 Stat. 1150, 1157, 8 U.S.C. 727, 735; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1)

§ 314.2 *Naturalization of individuals by judicial action where citizenship is in doubt.* Any person who is not a citizen of the United States or as to whose citizenship of the United States there is a doubt, may apply for naturalization to any court authorized to exercise naturalization jurisdiction, in accordance with the requirements of this subchapter. (Secs. 301-347, 54 Stat. 1140-1168, 8 U.S.C. 701-747; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1)

#### PART 322—GENERAL CLASS OF PERSONS WHO MAY BE NATURALIZED

Sec.

322.1 General requirements.

322.2 Procedural requirements.

§ 322.1 *General requirements.* A person, not a citizen of the United States, in order to be eligible for naturalization upon a petition for naturalization to a naturalization court shall, unless specially exempted as set forth in Subchapter D of this title:

(a) be at least 20 years old, if a declaration of intention at least two years old is required to be filed with the petition;

(b) have been lawfully admitted to the United States for permanent residence;

(c) have made a declaration of intention not less than two nor more than seven years before filing his petition;

(d) have resided continuously in the United States for at least five years and in the State in which his petition for naturalization is filed for at least six months, immediately preceding the filing of the petition;

(e) be a person racially eligible for naturalization as defined in Part 350 of this chapter;

(f) have been a person of good moral character, attached to the principles of the Constitution of the United States,

and well disposed to the good order and happiness of the United States during all of the periods described in paragraph (d) of this section, and during the period from the date of the filing of the petition up to the time of his admission to citizenship;

(g) be able to speak the English language, unless physically unable to speak;

(h) be able to sign his petition in his own handwriting, unless physically unable to write; and

(i) be not disqualified for naturalization under section 305 or section 306 of the Nationality Act of 1940, or otherwise. (Secs. 101 (c), 301 (d), 303 to 306, inclusive, 307 (a) and 327; 54 Stat. 1137, 1140-1142, 1150, 8 U.S.C. 501, 701, 703-706, 707, 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1)

§ 322.2 *Procedural requirements.* (a) A person, not a citizen of the United States, at least 18 years old, may make application to file a declaration of intention at any time after having been lawfully admitted to the United States for permanent residence. Such person shall not be required to be able to speak the English language, and, if unable to write, may sign the declaration of intention and the photographs affixed thereto by mark.

(b) Application for a declaration of intention shall be made on preliminary Form N-300, as described in § 365.1 of this chapter, which form may be obtained from the clerk of any naturalization court or from any office of the Immigration and Naturalization Service. Following the submission of the preliminary Form N-300 to the appropriate District Director or Divisional Director of Immigration and Naturalization, the applicant will be notified when and where to appear to file the declaration of intention, at which time a fee of \$2.50 for the declaration of intention shall be paid to the clerk of the naturalization court. The declaration of intention may be made in any naturalization court, regardless of the place of residence in the United States of the applicant.

(c) When the applicant's declaration of intention is not less than two nor more than seven years old, and he has resided in the United States and State as specified in § 322.1 (d), he may make application to file a petition for naturalization. Such application shall be made on preliminary Form N-400, which the applicant may obtain from the clerk of any naturalization court having jurisdiction over his place of residence, or from any office of the Immigration and Naturalization Service. The filled-in form, accompanied by three signed photographs as described in Part 364 of this chapter, and the declaration of intention, shall be submitted to the office of the Immigration and Naturalization Service named on Form N-400, in ac-



cordance with the Instructions on said Form N-400.

(d) Upon receipt of Form N-400 with the proper enclosures, the Service will thereafter notify the applicant when and where to appear with his witnesses for preliminary examination. Wherever practicable, a preliminary examination of the applicant and his witnesses, as described in § 370.8 of this chapter, shall be made prior to the filing of the petition for naturalization. If possible, the applicant shall bring with him at the time he appears to file his petition for naturalization the same two witnesses named in his preliminary Form N-400, but in the event that he is unable to do so other witnesses may be presented. The petition for naturalization shall be filed in a naturalization court having jurisdiction over the place of residence of the petitioner, and shall be filed only in the office of the clerk of such naturalization court. The petitioner shall pay to the clerk of the naturalization court a fee of \$5 for the filing of the petition for naturalization, which fee must be paid at the time the petition is filed.

(e) If the petition is filed in a court operating under section 333 of the Nationality Act of 1940, the petitioner and his witnesses shall be given a preliminary hearing by a designated examiner, immediately after the petition is filed if practicable, and in such cases the designated examiner may excuse the witnesses from appearance at the final hearing before the naturalization court if the witnesses appear to be qualified. The petitioner shall be notified when to appear in court with the witnesses who verified his petition, for the final hearing, unless he has previously been advised by the designated examiner that his witnesses have been excused from further appearance. If the witnesses who verified the petition for naturalization cannot be produced at the final hearing, other witnesses may be substituted as provided in § 373.4 of this chapter.

(f) Before being admitted to citizenship, the petitioner shall take the oath of renunciation and allegiance in open court, as described in § 375.1 of this chapter. A person admitted to citizenship by a naturalization court shall be entitled upon such admission to receive from the clerk of such court a certificate of naturalization as described in section 336 of the Nationality Act of 1940. (Secs. 301, 327, 329 to 336, inclusive, and 342 (a), 54 Stat. 1140, 1150, 1152-1158, 1161, 8 U.S.C. 701, 727, 729-736, 742; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1)

**PART 332—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS MISINFORMED AS TO THEIR CITIZENSHIP STATUS**

Sec.

332.1 Persons eligible.

332.2 Preliminary application and petition for naturalization.

332.3 Proof of requirements.

§ 332.1 *Persons eligible.* A person, not an alien enemy, who resided uninterruptedly within the United States during

the period of five years next preceding July 1, 1920, and who was on that date otherwise qualified to become a citizen of the United States except that such person had not made a declaration of intention required by law, and who during or prior to that time, because of misinformation regarding his citizenship status, erroneously exercised the rights and performed the duties of a citizen of the United States in good faith, may file a petition for naturalization without having made a preliminary declaration of intention. Such petitioner shall be required to comply with all of the other requirements of the naturalization laws.\* (Nationality Act of 1940, sec. 320, 54 Stat. 1148; 8 U.S.C. 720)

\*§§ 332.1 to 332.3, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; 8 U.S.C. 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1.

Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 332.2 *Preliminary application and petition for naturalization.* Preliminary application by a person described in § 332.1 to file a petition for naturalization shall be made on Form N-400, in the manner prescribed by § 370.1 of this chapter. The petition shall be filed in accordance with the requirements of Part 370 of this chapter. In addition, the petitioner shall execute in triplicate an affidavit on Form N-420 before either a representative of the Service or the clerk of the naturalization court, and the original and duplicate thereof shall be attached to the original and duplicate petitions for naturalization, respectively, at the time the petition is filed, and the triplicate copy of Form N-420 shall be retained by the field office.\* (Nationality Act of 1940, sec. 320, 54 Stat. 1148; 8 U.S.C. 720)

§ 332.3 *Proof of requirements.* Verification of the petition for naturalization and proof of residence and the other requirements prescribed by § 332.1 shall be made in the manner provided by Parts 370 and 373 of this chapter. In addition, the petitioner shall prove, by any evidence satisfactory to the naturalization court, the misinformation regarding his citizenship status and the exercise by him of the rights and the performance of the duties of a citizen of the United States in good faith because of such misinformation, during or prior to the five-year period next preceding July 1, 1920.\* (Nationality Act of 1940, secs. 303 to 307, inclusive, 309, 320, 327 (e), 330, and 332 to 336, inclusive, 54 Stat. 1140-1142, 1143, 1148, 1151, 1152, 1154-1157; 8 U.S.C. 703-707, 709, 720, 727, 730, 732-736)

**PART 334—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VETERANS OF THE UNITED STATES ARMED FORCES**

Sec.

334.1 Veterans who have served in United States armed forces; exemptions and fees.

334.2 Where service was continuous.

334.3 Where service was not continuous.

334.4 Where petition for naturalization is filed more than six months after termination of service.

334.5 Procedure.

§ 334.1 *Veterans who have served in United States armed forces; exemptions and fees.* A person, including a native-born Filipino, who has served honorably at any time in the United States Army, Navy, Marine Corps, or Coast Guard for a period or periods aggregating three years, and who, if separated from such service, was separated under honorable conditions, may be naturalized, subject to the provisions of §§ 334.2 to 334.5, inclusive. A petitioner for naturalization under this section shall pay the usual fee for filing a petition for naturalization, except that during the time the United States is at war, no clerk of a United States court shall charge or collect a naturalization fee from such petitioner for filing a petition or issuing a certificate of naturalization if the petitioner is in the military or naval service of the United States, and no clerk of any State court shall charge or collect any such fee unless the laws of such State require the charge to be made, in which case only the portion of the fee required to be paid to the State shall be charged or collected.\* (Nationality Act of 1940, secs. 324, and 342 (a) (2) and (i), 54 Stat. 1149, 1161; 8 U.S.C. 724, 742)

\*§§ 334.1 to 334.5, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; 8 U.S.C. 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1.

Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 334.2 *Where service was continuous—(a) Applicant who files petition while still in service.* A person described in § 334.1, whose service in the armed forces described therein has been continuous, may, while still in such service, file a petition for naturalization in any naturalization court, without regard to his place of residence, and without having resided continuously in the United States for at least five years and in the State where the petition is filed for at least six months, immediately preceding such filing. No certificate of arrival and no declaration of intention shall be required to be filed with the petition. The petition shall be verified, but for no specified period of time, by at least two witnesses, citizens of the United States, as provided in § 370.4 of this chapter, and the verifying witnesses shall also testify at the final hearing unless excused as provided in § 373.2 of this chapter. Such petition may be heard immediately if (1) the petitioner be then actually in such armed forces, and (2) before the filing of the petition, the applicant and at least two verifying witnesses, citizens of the United States, who shall identify the applicant as the person who rendered the service upon which the petition is to be based, have appeared before and been examined by a representative of the Immigration and Naturalization Service, and (3) a certificate of such examination on Form N-440 is filed with the petition in accordance with § 373.5 of this chapter. At the time the petition for naturalization is filed, the petitioner shall present duly authenticated copies of the records of the execu-



tive departments having custody of the records covering the petitioner's service in the United States Army, Navy, Marine Corps, or Coast Guard, which copies must show the period or periods of such service and that it was performed under honorable conditions. Such duly authenticated copies of service records shall be accepted as proof of the good moral character, attachment to the principles of the Constitution of the United States of America, and favorable disposition toward the good order and happiness of the United States of the petitioner for the periods of such service.

(b) *Applicant who files petition after leaving service but within six months.* If the petitioner has been separated from such service prior to filing his petition for naturalization, but files his petition for naturalization within six months after the termination of such service, he shall be entitled to the same exemptions from residence in the United States and State, and within the jurisdiction of the naturalization court, and from filing with his petition for naturalization a certificate of arrival and a declaration of intention as the petitioner described in paragraph (a) of this section. But the petitioner under this paragraph shall prove his residence, good moral character, attachment to the principles of the Constitution of the United States, and his favorable disposition toward the good order and happiness of the United States for the period from the date of his separation from such service to the date of the filing of his petition for naturalization, and from the latter date to the date of his admission to citizenship, by the affidavits and testimony of at least two citizen witnesses, in the manner provided in §§ 370.4 and 373.2 of this chapter. A petitioner under this paragraph shall not be entitled to an immediate hearing upon his petition, but only after the expiration of at least 30 days after the petition is filed, in accordance with the provisions of section 334 (c) of the Nationality Act of 1940.\* (Nationality Act of 1940, secs. 307, 309 (a), 324 (a) (b) (e), and 334 (c); 54 Stat. 1142, 1143, 1149-1150, 1156-1157; 8 U.S.C. 707, 709, 724, 734)

§ 334.3 *Where service was not continuous.* A person described in § 334.1, whose service was not continuous, shall be entitled to all of the exemptions set forth in § 334.2 (a) (including an immediate hearing if still in the service), if he files a petition for naturalization while still in such service or within six months after honorable separation therefrom, except that such petitioner must establish his continuous residence, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, for the period of five years at least immediately preceding the filing of his petition, and from the date of filing his petition to the date of the final hearing thereon. Proof of such qualifications for the periods during which the petitioner was actually in such service shall be made as provided in § 334.2 (a). As to any part or parts of

the five-year period immediately preceding the filing of the petition for naturalization, and as to the period between the date of the filing of the petition and the final hearing thereon, between the periods of the petitioner's service in the United States Army, Navy, Marine Corps, or Coast Guard, such proof must be made by the affidavits and testimony of at least two citizen witnesses, for each such period, as set forth in §§ 370.4 and 373.2, respectively, of this chapter.\* (Nationality Act of 1940, secs. 307, 309 (a), 324 (a) (b) (c) (e), and 334 (c); 54 Stat. 1142, 1143, 1149-1150, 1156; 8 U.S.C. 707, 709, 724, 734)

§ 334.4 *Where petition for naturalization is filed more than six months after termination of service.* Where an alien has performed the service specified in § 334.1, but fails to file a petition for naturalization while still in such service or within six months after the termination of such service, he shall not be entitled to any of the exemptions set forth in § 334.2, except that such a petitioner for naturalization may prove his good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, for any period or periods, during the five-year period immediately preceding the filing of the petition, of service specified in § 334.1, by the production of duly authenticated copies of the records of the executive departments having custody of the records of such service, as described in such section, in lieu of affidavits and testimony or depositions of witnesses for the period or periods of such service.\* (Nationality Act of 1940, sec. 324 (d) (e), 54 Stat. 1149-1150; 8 U.S.C. 724)

§ 334.5 *Procedure.* An application to file a petition for naturalization under § 334.2, § 334.3, or § 334.4 shall be made on Form N-400. The petition for naturalization shall be filed on Form N-405. There shall be attached to the original of every petition for naturalization filed under any of such sections, an affidavit of the petitioner, sworn to before the clerk of court or a member of the Service on Form N-421, fully setting forth the periods and the description of his service in the United States Army, Navy, Marine Corps, or Coast Guard. Such Form N-421 shall be filed with and made a part of the petition for naturalization at the time such petition is filed. The duplicate and triplicate executed copies of Form N-421 shall be attached to the duplicate and triplicate petitions for naturalization, respectively.\* (Nationality Act of 1940, secs. 324 and 327 (d), 54 Stat. 1149, 1151; 8 U.S.C. 724, 727)

PART 337—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SEAMEN

Sec.

- 337.1 Persons who have served on United States Government or merchant vessels; exemptions and fees.
- 337.2 Where service was continuous.
- 337.3 Where service was not continuous.
- 337.4 Where petition for naturalization is filed more than six months after termination of service.
- 337.5 Procedure.

§ 337.1 *Persons who have served on United States Government or merchant vessels; exemptions and fees.* A person who has served honorably or with good conduct for an aggregate period of at least five years (a) on board of any vessel of the United States Government other than in the United States Navy, Marine Corps, or Coast Guard, or (b) on board of vessels of more than twenty tons burden, whether or not documented under the laws of the United States, and whether public or private, which are not foreign vessels and whose home port is in the United States, may be naturalized, subject to the provisions of §§ 337.2 to 337.5, inclusive. A petitioner for naturalization under this section shall pay the usual fee for filing a petition for naturalization.\* (Nationality Act of 1940, secs. 325 and 342 (a) (2), 54 Stat. 1150, 1161, 1162; 8 U.S.C. 725, 742)

\* §§ 337.1 to 337.5, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; 8 U.S.C. 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1.

Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 337.2 *Where service was continuous—(a) Applicant who files petition while still in service.* A person described in § 337.1, whose service described therein has been continuous, may, while still in such service, file a petition for naturalization in any naturalization court, without regard to his place of residence, and without having resided continuously in the United States for at least five years and in the State where the petition is filed for at least six months, immediately preceding such filing. No certificate of arrival and no declaration of intention shall be required to be filed with the petition. The petition shall be verified, but for no specified period of time, by at least two witnesses, citizens of the United States, as provided in § 370.4 of this chapter, and the verifying witnesses shall also testify at the final hearing unless excused as provided in § 373.2 of this chapter. Such petition may be heard immediately if (1) the petitioner be then actually in such service, and (2) before the filing of the petition, the applicant and at least two verifying witnesses, citizens of the United States, who shall identify the applicant as the person who rendered the service upon which the petition is to be based, have appeared before and been examined by a representative of the Immigration and Naturalization Service, and (3) a certificate of such examination on Form N-440 is filed with the petition in accordance with § 373.5 of this chapter. At the time the petition for naturalization is filed, the applicant shall present duly authenticated copies of the records of the executive departments having custody of the records covering the petitioner's service, if it was on a vessel of the United States Government, which copies must show the period or periods of such service and that it was performed under honorable conditions, or discharge showing service with good conduct if service was on a vessel other than a vessel of the United States Government. Such duly



authenticated copies of service records and discharges shall be accepted as proof of the good moral character, attachment to the principles of the Constitution of the United States of America, and favorable disposition toward the good order and happiness of the United States of the petitioner for the periods of such service.

(b) *Applicant who files petition after leaving service but within six months.* If the petitioner has been separated from such service prior to filing his petition for naturalization, but files his petition for naturalization within six months after the termination of such service, he shall be entitled to the same exemptions from residence in the United States and State, and within the jurisdiction of the naturalization court, and from filing with his petition for naturalization a certificate of arrival and a declaration of intention as the petitioner described in paragraph (a) of this section. But the petitioner under this paragraph shall prove his residence, good moral character, attachment to the principles of the Constitution of the United States, and his favorable disposition toward the good order and happiness of the United States for the period from the date of his separation from such service to the date of the filing of his petition for naturalization, and from the latter date to the date of his admission to citizenship, by the affidavits and testimony of at least two citizen witnesses, in the manner provided in §§ 370.4 and 373.2 of this chapter. A petitioner under this paragraph shall not be entitled to an immediate hearing upon his petition, but only after the expiration of at least 30 days after the petition is filed, in accordance with the provisions of section 334 (c) of the Nationality Act of 1940.\* (Nationality Act of 1940, secs. 307, 309 (a), 325, and 334 (c), 54 Stat. 1142, 1143, 1150, 1156; 8 U.S.C. 707, 709, 725, 734)

§ 337.3 *Where service was not continuous.* A person described in § 337.1, whose service was not continuous, shall be entitled to all of the exemptions set forth in § 337.2 (including an immediate hearing if still in the service), if he files a petition for naturalization while still in such service or within six months after honorable separation, or separation with good conduct, therefrom, except that such petitioner must establish his continuous residence, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, for the period of five years at least immediately preceding the filing of his petition, and from the date of filing his petition to the date of the final hearing thereon. Proof of such qualifications for the periods during which the petitioner was actually in such service shall be made as provided in § 337.2. As to any part or parts of the five-year period immediately preceding the filing of the petition for naturalization, and as to the period between the date of the filing of the petition and the final hear-

ing thereon, between the periods of the petitioner's service on vessels as described in § 337.1, such proof must be made by the affidavits and testimony of at least two citizen witnesses, for each such period, as set forth in §§ 370.4 and 373.2, respectively, of this chapter.\* (Nationality Act of 1940, secs. 307, 309 (a), 325, and 334 (c), 54 Stat. 1142, 1143, 1150, 1156; 8 U.S.C. 707, 709, 725, 734)

§ 337.4 *Where petition for naturalization is filed more than six months after termination of service.* Where an alien has performed the service specified in § 337.1, but fails to file a petition for naturalization while still in such service or within six months after termination of such service he shall not be entitled to claim any of the exemptions set forth in § 337.2, except that such a petitioner for naturalization may prove his good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, for any period or periods, during the five-year period immediately preceding the filing of the petition, of service specified in § 337.1, by the production of duly authenticated copies of the records of the executive departments having custody of the records of such service, or discharges showing service with good conduct, as described in such section, in lieu of affidavits and testimony or depositions of witnesses for the period or periods of such service.\* (Nationality Act of 1940, sec. 325, 54 Stat. 1150; 8 U.S.C. 725)

§ 337.5 *Procedure.* An application to file a petition for naturalization under § 337.2, § 337.3, or § 337.4 shall be made on Form N-400. The petition for naturalization shall be filed on Form N-405. There shall be attached to the original of every petition for naturalization filed under any of such sections, an affidavit of the petitioner, sworn to before the clerk of court or a member of the Service on Form N-421, fully setting forth the periods and the description of his service. Such Form N-421 shall be filed with and made a part of the petition for naturalization at the time such petition is filed. The duplicate and triplicate executed copies of Form N-421 shall be attached to the duplicate and triplicate petitions for naturalization, respectively.\* (Nationality Act of 1940, secs. 325 and 327 (d), 54 Stat. 1150, 1151; 8 U.S.C. 725, 727)

PART 345—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: NATIONALS BUT NOT CITIZENS OF THE UNITED STATES

Sec. 345.1 Exemption from residence in the United States.

345.2 Certificate of arrival.

§ 345.1 *Exemption from residence in the United States.* A national of the United States who is not a citizen thereof, and who is otherwise qualified for naturalization, may, if he becomes a resident of any State, be naturalized upon compliance with the requirements of the Nationality Act of 1940. In the case of such a person, residence within

any of the outlying possessions of the United States shall be considered as residence within the United States within the meaning of such Act. (Secs. 321 and 327, 54 Stat. 1148, 1150, 8 U.S.C. 721, 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1)

§ 345.2 *Certificate of arrival.* A person described in § 345.1, if he entered the United States after June 29, 1906, and a certificate of arrival is required in his case, shall not file a declaration of intention nor a petition for naturalization until his lawful entry into the United States for permanent residence has been verified and a certificate of such arrival has been issued by the Immigration and Naturalization Service in accordance with the requirements of Part 363 of this chapter. The certificate of arrival in such a case shall set forth the date, place, and manner of the applicant's arrival as shown by the records of the service. (Secs. 327, 329 (b) and 332 (c), 54 Stat. 1150, 1152, 1156, 8 U.S.C. 727, 729, 732; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1)

LEMUEL B. SCHOFIELD,  
Special Assistant to the  
Attorney General in Charge  
Immigration and Naturalization Service.

Approved:

FRANCIS BIDDLE,  
Attorney General.

[F. R. Doc. 41-9798; Filed, December 24, 1941;  
11:34 a. m.]

[1st Supplement to General Order No. C-24]

PART 90—DEPARTMENTAL ORGANIZATION AND AUTHORITY

Amended Regulations Governing Departmental Organization and Authority

DECEMBER 23, 1941.

Pursuant to the authority conferred by sections 161 and 360 of the Revised Statutes as amended (5 U.S.C. 22, 311); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); section 1 of Reorganization Plan No. V (5 F.R. 2223) and all other authority conferred by law, the following changes are hereby prescribed in Title 8, Chapter I, part 90 of the Code of Federal Regulations:

Section 90.13 is amended to read as follows:

§ 90.13 *Deputy Commissioner in charge of the Adjudications Branch: powers.* Subject to the provisions of § 90.16 of this part, the Deputy Commissioner in charge of the Adjudications Branch (or under his direction, the Assistant to the Deputy Commissioner in charge of that branch) shall have authority after proceedings in accordance with law and regulations to exercise the powers of the Attorney General or of the Commissioner of Immigration and Naturalization:

(a) To consider and determine applications for extensions of temporary admission to the United States, in cases in



which field officers do not have such authority or in cases which have been referred by field officers to the Central Office;

(b) To consider and determine applications for permission to re-apply for admission to the United States after exclusion, deportation, or removal on account of distress;

(c) To consider and determine applications for change of status from one non-immigrant class to another or from a non-immigrant class to a student, and subject to the other provisions of this part to consider and determine the status of persons under the provisions of the immigration and nationality laws;

(d) To consider and determine applications to import contract labor, including student labor;

(e) To authorize amendment or endorsement of records of entry to show true status;

(f) To pass upon applications for copies of immigration and naturalization records, or for information therefrom;

(g) To consider and determine applications for certificates of derivative citizenship;

(h) To consider and determine applications for exemption from loss of residence for naturalization purposes (section 307 (b) (c), Act of October 14, 1940);

(i) To order the cancellation of registry fraudulently or illegally procured under the Act of March 2, 1929, as amended, or section 328 (b) of the Act of October 14, 1940;

(j) To exercise such discretion as is appropriate to, and to prepare and sign all orders and correspondence incident to, the execution of the functions of his office.

In addition to the foregoing authority, the Deputy Commissioner in charge of the Adjudications Branch shall perform such other duties compatible with his office as may be from time to time required.

Section 90.16 is amended to read as follows:

**§ 90.16 Reference of cases to the Special Assistant in Charge by the Deputy Commissioner in charge of the Adjudications Branch, Chief of the Warrant and Deportation Branch, or Chief of the Certifications Branch.** The Deputy Commissioner in charge of the Adjudications Branch, the Chief of the Warrant and Deportation Branch, and the Chief of the Certifications Branch shall exercise the authority herein conferred under the direction and supervision of the Special Assistant in Charge. In all cases the appropriate court.

In which any of them shall be in doubt as to the construction of applicable law or as to the proper principle governing the exercise of discretion, he shall refer the matter to the Special Assistant in Charge who shall, after receiving the advice of the General Counsel, either advise him as to the appropriate decision, make decision in his own name, or refer the matter to the Attorney General for decision.

Present §§ 90.17 and 90.18 are renumbered to become respectively §§ 90.49 and 90.50.

The following new § 90.17 is hereby prescribed:

**§ 90.17 General Counsel: powers and duties.** The General Counsel of the Service, under the direction and supervision of the Special Assistant in Charge, shall have authority after proceedings in accordance with law and regulations to exercise the powers of the Attorney General or of the Commissioner of Immigration and Naturalization in the classes of cases prescribed in this section and otherwise to perform the duties herein set forth:

(a) To represent the Service before the Board of Immigration Appeals, before boards of special inquiry, or before presiding inspectors in important exclusion and deportation cases;

(b) To examine all decisions of the Board of Immigration Appeals which reverse a presiding inspector or a board of special inquiry, and to advise the Attorney General on cases certified by the Board of Immigration Appeals to him for decision;

(c) To render such assistance, including preparation of legal memoranda and briefs or presentation of arguments, as may be necessary in behalf of the Service to the Attorney General or other officers of the Department or to United States Attorneys in judicial litigation involving proceedings brought to test the legality of warrants of deportation, exclusion decisions, actions involving steamship fines, matters relating to appeals in naturalization cases, the cancellation of naturalization, the review of actions involving prosecutions for violations of the Alien Registration Act, 1940, or other matters related to the Service.

(d) To examine as to legal form and execution bonds required from aliens in connection with the administration of the immigration laws and to handle matters relating to their disposition, either through compromise or judicial enforcement;

(e) To consider whether steps should be taken looking toward the cancellation of naturalization and to prepare necessary memoranda in those cases where cancellation proceedings are determined upon for submission to the Criminal Division of the Department, with recommendation that the appropriate United States Attorney be authorized and directed to institute judicial proceedings in

(f) To give assistance in the drafting of legislation, Presidential Proclamations, Executive Orders, and regulations in conjunction with branches of the Service charged with the function of preparing, enforcing, or applying such regulations, when requested;

(g) To render opinions and rulings as requested in the course of his duties to officials of the Service on legal questions arising in the exercise of their functions concerning the Service;

(h) To make recommendations to the Pardon Attorney when a question respecting pardons arises and a recommendation by the Service is desired;

(i) To make recommendations concerning the institution of prosecutions or disposition of criminal cases arising under the immigration or nationality laws, except those cases falling within the provisions of § 90.3 (c) of this part; and

(j) To exercise such discretion as is appropriate to, and to prepare and sign all orders and correspondence incident to, the execution of the functions of his office.

In addition to the foregoing authority, the General Counsel shall perform such other duties compatible with his office as may be from time to time required.

All references in Part 90 of this chapter to the "Warrant Branch" of the Central Office are hereby amended to read "Warrant and Deportation Branch." (Sec. 327, 54 Stat. 1150, 8 U.S.C. 727; sec. 23, 39 Stat. 892, 8 U.S.C. 102; sec. 24, 43 Stat. 166, 8 U.S.C. 222; sec. 1, Reorg. Plan No. V, 5 F.R. 2132, 2223; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; secs. 161, 360, R.S., 5 U.S.C. 22, 311)

FRANCIS BIDDLE,  
Attorney General.

Approval recommended:

LEMUEL B. SCHOFIELD,  
Special Assistant to the Attorney General, in charge Immigration and Naturalization Service.

[F. R. Doc. 41-9718; Filed, December 24, 1941; 11:34 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### CHAPTER I—BUREAU OF ANIMAL INDUSTRY

#### PART 111—RECORDS AND NOTICES

##### REVOCATION OF REGULATION REQUIRING NOTICES OF SHIPMENTS

Pursuant to the authority conferred upon the Secretary of Agriculture by section 2 of the act of Congress approved February 2, 1903 (32 Stat. 792; 21 U.S.C. 111), and by the act of Congress approved March 4, 1913 (37 Stat. 832-833; 21 U.S.C. 151-158), and in order better to effectuate the purposes of these acts, § 111.2, (*Notices of shipments required*) Part 111, Chapter I, Title 9, Code of Federal Regulations, [paragraph 2, section 1, regulation 11, B.A.I. Order 276, August 18, 1922, as amended] is hereby revoked.

Done at Washington, D. C., this 24th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 41-9740; Filed, December 26, 1941; 11:00 a. m.]

16 F.R. 2947.



## TITLE 30—MINERAL RESOURCES

## CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1155]

## PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto supplement R, and § 321.24 (*General prices*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein as to Mine Index Nos. 729, 3074, 3202, 685, 3204, 2362 and the Matthews No. 3 Mine of John H. Matthews for the reasons set forth in an Order designating that portion of Docket No. A-1155 which relates to them as Docket No. A-1155 Part II and granting temporary relief therein.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 13, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

## § 321.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
759	Bartholomew, Merle Lester.	Bartholomew #1.	6	E	Punxsutawney, Pa. & Sprankles Mills, Pa.	PRR, P&S.	78	F	(†)	(*)	F	F
3201	Bartholomew, Merle Lester.	Bartholomew #2.	6	E	Punxsutawney, Pa.	PRR.....	50	F	(†)	F	F	F
3202	Blose, G. C.	Burkett #1.	6	B	Punxsutawney, Pa.	PRR.....	50	F	(†)	F	F	F
2845	Drifting Coal Co.	Drifting #1.	8	B	Munson, Pa.	NYC.....	44	(†)	(†)	H	(†)	(†)
803	Huntington, William.	W. M. Yarger.	4	E	Timblin, Pa.	P&S.....	119	G	G	G	H	H
3203	Maple Ridge Mining Corporation.	Bethel #3.	32	B	Holsopple, Pa.	B&O.....	100	(†)	(†)	E	(†)	(†)
3204	Matthews, John H.	Matthews #2.	7	E	Grampian, Pa.	PRR.....	45	(†)	(†)	F	(†)	(†)
2362	Matthews, John H.	Matthews #4.	7	D	Grampian, Pa.	PRR.....	45	(†)	(†)	F	(†)	(†)
3129	Shaffer, Dewey.	Foster.	37	B	Stoyestown, Pa.	B&O.....	100	F	(†)	(*)	F	(†)
988	Sotok & Campbell (Mike Sotok).	Sotok & Campbell.	8	D	Hawk Run, Pa.	NYC.....	44	(†)	(†)	E	(†)	(†)
3206	Walker, John D.	Bald Eagle #1.	12	D	Mahaffey, Pa.	PRR.....	50	G	(†)	G	G	G
3207	Walker, John D.	Bald Eagle #2.	12	E	Mahaffey, Pa.	PRR.....	50	G	(†)	G	G	G

\*Indicates coal in this size group previously classified and priced.

†Indicates no classifications effective for these size groups.

NOTE.—If coals within each of the following groups are loaded into the same car the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification: Mine Index Nos. 759 and 3201 of Merle Lester Bartholomew; Mine Index Nos. 213 and 1077 of Penn Smokeless Fuel Company; Mine Index Nos. 3206 and 3207 of John D. Walker.

## § 321.24 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub-district No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	3/4" and under slack
						1	2	3	4	5
Bartholomew, Merle Lester.	759	Bartholomew #1.	6	Jefferson.	E.	245	...	(*)	210	200
Bartholomew, Merle Lester.	3201	Bartholomew #2.	6	Jefferson.	E.	245	...	220	210	200
Blose, G. C.	3202	Burkett #1.	6	Jefferson.	B.	245	...	220	210	200
Broadwater, Lee.	3245	Orville Kinsinger.	42	Garrett.	Bakerstown.	...	...	210	...	...
Carberry, Dillis.	995	Carberry.	5	Jefferson.	C.	...	...	220	...	...
Coudriet, Ellis.	991	Buck Run.	8	Clearfield.	C.	...	...	225	...	...
Culver, Norman.	3180	Culver #1.	8	Clearfield.	B.	...	...	225	...	...
Hoover, Isaiah.	3199	Hoover.	41	Somerset.	Pittsburgh.	...	...	220	...	...
Linamen, H. L.	994	Shook.	4	Clarion.	B.	240	215	215	200	190
Maple Ridge Mining Corporation.	3203	Bethel #3.	32	Somerset.	B.	...	...	225	...	...
Miller, Mae A. (Miller Coal Co.)	987	Miller.	40	Somerset.	B.	...	...	215	...	...
Matthews, John H.	3204	Matthews #2.	7	Clearfield.	E.	...	...	220	...	...
Naugle, Harry F.	989	Naugle.	32	Somerset.	B.	...	...	225	...	...
Ritchey, F. E.	986	F. E. Ritchey.	22	Indiana.	Pittsburgh.	...	...	225	...	...
Rodger, Clark W.	985	Rodger.	37	Somerset.	B.	...	...	220	...	...
Sandy, Joseph.	3205	Sandy #2.	27	Cambria.	E.	...	...	220	...	...
Shaffer, Dewey.	3129	Foster.	37	Somerset.	B.	245	...	(*)	210	...
Sotok & Campbell (Mike Sotok).	988	Sotok & Campbell.	8	Clearfield.	D.	...	...	225	...	...
Turnbull, Robert, Sr.	3232	Pleezing.	43	Allegheny.	Big Vein.	...	...	230	...	...
Walker, John D.	3206	Bald Eagle #1.	12	Clearfield.	D.	240	...	215	210	200
Walker, John D.	3207	Bald Eagle #2.	12	Clearfield.	E.	240	...	215	210	200

\*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-9669; Filed, December 23, 1941; 10:23 a. m.]



**NOTE:** The material in these supplements is available for District No. 4 and supplements thereto.

Although the petition only requests the establishment of price classifications and minimum prices for the coals of Mine In-

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES

EXCEPT TRUCK

## § 324.7 Alphabetical list of code members—Supplement R-I

Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

[illegible]

### § 324.2 Seasonal discounts.—Supplement B-II

(On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal prices applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 85, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel)

Freight origin districts	Freight origin group Nos.	Additional freight group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of—
Ohio No. 8	12, 14, 17, 18	-----	12, 16, 37, 45, 68, 92, 119, 161	Add. Mine Index No. 2997	Apr. May June July Aug.
					80 20 10

<sup>1</sup> Seasonal discounts as shown in § 321.2 in the Schedule of Effective Minimum Prices apply to additional mine index number hereinabove noted.

Index No. 2927 in Size Groups 6 and 12 for rail shipments, price classifications and minimum prices are established herein for Size Groups 1 to 10, inclusive, and 12, for all shipments except truck, and in Size Groups 1 to 8, inclusive, for truck shipments, in accordance with the customary practice in the case of rail-shipping mines in District No. 4.

The petition apparently proposes that a minimum price of 180 cents per net ton be established for the coals of Mine Index No. 2027 in Size Group 12, for off-line sales of railroad fuel. The petition alleges, however, that these coals are comparable and analogous to the coals of Mine Index Nos. 161 and 210 of the Belmont-Wheeling Coal Company and Crescent Valley Mining Corporation, for which minimum prices of 185 cents per net ton have been established for such shipments. Accordingly, the price classifications and minimum prices herein established for the coals of Mine Index No. 2027 in Size Group 12 for off-line railroad fuel use conform to those heretofore established for Mine Index Nos. 161 and 210. Similarly, the prices established

herein for Mine Index 2927 in Size Groups 1 to 10, inclusive, and 12, for all shipments except truck, and in Size Groups 1 to 8, inclusive, for truck shipments, conform in all respects to those heretofore established for the coals of Mine Index Nos. 161 and 210 for such shipments.

*It is further ordered*, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4, II (d) of the Bituminous Coal Act of 1937.

*It is further ordered*, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 3, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

## § 3249 Recapitulation of price classifications.—Supplement R-III

Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See schedule of effective minimum prices, \$324.9, \$324.10. Also applies to market areas 98 and 99 (Great Lakes), \$324.11 (b), \$324.11 (c), and vessel fuel, \$324.11 (d).

Freight origin districts	Freight origin group Nos.	Addl. freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8.	12, 14, 17, 18.	.....	12, 16, 37, 45, 68, 92, 119, 161.	Add Mines Index No. 2027.

\* Prices as shown in § 324.9, § 324.10, § 324.11 (b), § 324.11 (c), and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to additional mine index number heretofore noted.



**§ 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel<sup>1</sup>—Supplement R-IV**

(Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See schedule of effective minimum prices, § 324.11 (a))

Name of railroad	Mine Index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co.	8, 25, 183, 153, 161	Add Mine Index No. 2927.
Akron, Canton & Youngstown Railway Co.		
Ann Arbor Railroad Co.		
Canadian National Railways and Grand Trunk Railway System.		
Canadian Pacific Railway Co.	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index No. 2927.
Detroit & Mackinac Railway Company.		
Detroit & Toledo Shore Line Railroad Co.		
Erie Railroad.		
Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.).		
Pere Marquette Railway Co.	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index No. 2927.
For all Railroads not shown above.		

<sup>1</sup> Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to additional mine index number hereinabove noted.

**FOR TRUCK SHIPMENTS**

**§ 324.24 General prices in cents per net ton for shipment into all market areas—Supplement T**

Code member index	Mine	Mine index No.	Base sizes										
			Seam	6" lump	3", 4", 5" lump	2" lump	2" x 4" egg, 2" x 3" egg	1½" lump, 1½" x 4" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack		
				1	2	3	4	5	6	7	8		
SUBDISTRICT NO. 1—EASTERN OHIO BELMONT COUNTY													
Bradford Collieries Corporation c/o A. G. Newcomb.....	Bradford No. 1..	2927	8	275	265	250	225	220	210	190	180		

[F. R. Doc. 41-9668; Filed, December 23, 1941; 10:22 a. m.]

[Docket No. A-942]

**PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7**

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 7, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR ALL SHIPMENTS EXCEPT TRUCK OF COALS OF THE HARMIL MINE (MINE INDEX NO. 580) OF THE HARMIL SMOKELESS COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 7, AND FOR THE REVISION OF EFFECTIVE MINIMUM PRICES FOR SUCH COALS IN SIZE GROUP 6 FOR TRUCK SHIPMENT

This proceeding was instituted upon a petition and an amended petition filed with the Bituminous Coal Division by District Board 7, pursuant to section 4

<sup>1</sup> The original petition referred to Mine Index No. 580 as the Harmil Mine of the Harmil Smokeless Coal Company. However, after the date of the original petition, the ownership of the mine changed to Andy New and Homer New, of Pineville, West Virginia, co-partners trading as the Pineville Coal Company, and the amended petition substituted the new mine name.

II (d) of the Bituminous Coal Act of 1937. The petition, as amended, requests that temporary and permanent relief be granted by establishing price classifications and minimum prices for all shipments except truck of coals of the Pineville Mine (Mine Index No. 580) of the Pineville Coal Company, a code member in District 7, and by revising the effective minimum price of such coals in Size Group 6 for truck shipments.

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter was held on October 15, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 7 appeared. At the conclusion of the hearing the preparation and filing of a report by the Examiner was waived and the record in the proceeding was thereupon submitted to the undersigned.

The Pineville Mine (Mine Index No. 580) of the Pineville Coal Company, formerly known as the Harmil Mine of

the Harmil Smokeless Coal Company, is located in the Sewell seam in Wyoming County, West Virginia, in District 7. Heretofore, the only prices and classifications established for the mine were a "B" classification in Size Groups 6 and 7 for rail shipments, a price of \$1.85 per ton f. o. b. the mine in Size Group 6 for truck shipments, and prices in Size Groups 3 and 4 for truck shipments. In this proceeding, District Board 7 proposes to establish price classifications for all shipments in hitherto unclassified size groups and to change the price in Size Group 6 for truck shipments from \$1.85 to \$1.90 per ton f. o. b. the mine.

Uncontroverted evidence was introduced by John A. Luse, executive secretary of District Board 7, to show that the price classifications and minimum prices requested in the petition reflect the relative market value of the Pineville Mine coals and will afford them a reasonable opportunity to compete on a fair basis with comparable coals. Thus, the witness Luse revealed that these price classifications were arrived at by District Board 7 after a thorough consideration of the results of chemical and physical analyses conducted in March 1941 by the Commercial Testing and Engineering Company upon the coals of the Pineville Mine and of various other mines in District 7. These analyses, according to the witness, showed that the coals of the Pineville Mine are of a soft, friable structure and should be given a "B" classification for rail shipment in Size Groups 1 and 2.

The witness Luse further testified, in regard to the requested revision of the effective minimum prices for Size Group 6 for truck shipments from \$1.85 to \$1.90 per ton f. o. b. the mine, that the whole market area price f. o. b. the mine for the Sewell seam of coal in "B" classification is \$1.90 and that this change should be made in order to treat all the mines similarly.

Upon the uncontroverted evidence, I find and conclude that the classifications and minimum prices shown in supplements R and T, annexed hereto and made a part hereof, are proper and should be established; that the Schedule of Effective Minimum Prices for District No. 7 For All Shipments Except Truck and the Schedule of Effective Minimum Prices for District No. 7 For Truck Shipments should be amended accordingly; that such amendments of the price schedules for District 7 are necessary in order to effectuate the purposes of section 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is hereby ordered, That § 327.11 (Low volatile coals: Alphabetical list of code members) in the Schedule of Effective Minimum Prices for District No. 7 For All Shipments Except Truck and § 327.34 (General prices

<sup>2</sup> See Order of the Director dated April 25, 1941, 6 F.R. 2381, in Docket No. A-779.



in cents per net ton for shipment into any market area) in the Schedule of Effective Minimum Prices for District No. 7 For Truck Shipments be and they hereby are amended effective fifteen (15) days from the date hereof, in accordance

with the classifications and minimum prices set forth in supplements R and T, annexed hereto and made a part hereof.  
Dated: December 8, 1941.

[SEAL]

DAN H. WHEELER,  
Acting Director.

## PERMANENT SUPPLEMENT

NOTE: The material contained in this permanent supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

## § 327.11 Low volatile coals: Alphabetical list of code members—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.									
								1	2	3	4	5	6	7	8	9	10
580	Pineville Coal Co. (Andy New).	Pineville...	5	Sewell...	Pineville, W. Va.	VGN.	14	B	B	A	A	A	(*)	(*)	B	B	B

\*Indicates coal in this size group previously classified and priced.

## FOR TRUCK SHIPMENTS

## § 327.34 General prices in cents per net ton for shipment into any market area—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump 1/4" or larger, all egg and stove						All nut or pea, 1 1/4" top size or smaller		Screened M/R	Straight mine run	1 1/4" screenings	3/4" screenings
						1	2	3	4	5	6	1	2				
Pineville Coal Co. (Andy New).....	580	Pineville....	5	Wyoming...	Sewell....	315	250	(*)	(*)	195	190						

\*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-9672; Filed, December 23, 1941; 10:24 a. m.]

[Docket No. A-1001]

## PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE REVISION OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS IN SIZE GROUPS 1 AND 2 OF MINE INDEX NOS. 208 AND 223 IN DISTRICT NO. 7

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 7, requesting that coals produced at the Wyoming Mine (Mine Index No. 208), of the Red Jacket Coal Corporation and at the No. 2 Mine (Mine Index No. 223), of the Marianna Smokeless Coal Company, be reclassified from "B" to "A" in Size Groups

1 and 2 for shipment by rail into all market areas.

A petition of intervention, as amended, having been filed by District Board 8 requesting relief for the coals of the No. 1 Mine (Mine Index No. 588), of the Marianna Smokeless Coal Company, corresponding to any relief granted to the original petitioner;<sup>1</sup>

Pursuant to an Order of the Director and after notice to all interested parties, a hearing having been held in this matter on September 23, 1941, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived, and the record having thereupon been submitted to the undersigned; and the undersigned having made Finding of Fact, Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That, commencing fifteen (15) days from the date of this Order, § 327.11 (Low volatile coals: Alphabetical list of code members) and § 327.34 (General prices in cents per net ton for shipment into any market area) in the Schedules of Effective Minimum Prices (Low Volatile) for District No. 7 For All Shipments Except Truck and for Truck Shipments be and they are hereby amended by establishing the classifications and minimum prices for the coals of the Wyoming Mine (Mine Index No. 208) of the Red Jacket Coal Corporation, the No. 1 Mine (Mine Index No. 266) and No. 2 Mine (Mine Index No. 223) of the Marianna Smokeless Coal Company, as set forth in Supplements R and T attached hereto and made a part hereof.

Dated: December 13, 1941.

[SEAL]

DAN H. WHEELER,  
Acting Director.

<sup>1</sup>Subsequent to this proceeding an Order of the Director, dated November 21, 1941, 6 F.R. 5971, in Docket No. 1547-FD, changed the boundary between District 7 and District 8 with the result that the Marianna No. 1 Mine was withdrawn from District 8 and placed in District 7. In District 7 it was given Mine Index No. 266 and placed in Freight Origin Group 14.



## PERMANENT SUPPLEMENT

NOTE: The material contained in these permanent supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

## § 327.11 Low volatile coals: Alphabetical list of code members—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group number									
								1	2	3	4	5	6	7	8	9	10
265	Marianna Smokeless Coal Company	Marianna #1	5	Sewell	Marianna, W. Va.	VGN. Ry.	14	A	A	A	A	A	A	B	B	B	B
223	Marianna Smokeless Coal Company	Marianna #2	5	Sewell	Glover, W. Va.	VGN. Ry.	14	A	A	A	A	A	A	B	B	B	B
208	Red Jacket Coal Corporation	Wyoming	5	Sewell	Wyoming, W. Va.	VGN. Ry.	14	A	A	A	A	A	A	B	B	B	B

## FOR TRUCK SHIPMENTS

## § 327.34 General prices in cents per net ton for shipment into any market area—Supplement T

Code member index	Mine index No.	Mine	County	Seam	All lump ¾" or larger; all egg and stove size or smaller						All nut or pea 1½" top size or smaller						Straight mine run						¾" screenings					
					1	2	3	4	5	6																		
Marianna Smokeless Coal Co.	266	Marianna #1	5	Wyoming	Sewell	315	250	280	215	195	190	100																

[F. R. Doc. 41-9670; Filed, December 23, 1941; 10:24 a. m.]

[Docket No. A-1165]

## PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES AND FOR A CHANGE IN FREIGHT ORIGIN GROUP NUMBERS AND SHIPPING POINTS FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices and a change in

freight origin group numbers and shipping points for the coals of certain mines in District No. 8.

Freight Origin Group No. 111 was assigned to the coals of Mine Index No. 225 in Supplement 2 to the Schedule of Effective Minimum Prices for District No. 8. For All Shipments Except Truck, on the basis of information furnished the Division which indicated that the location of this mine was Middlesboro, Kentucky. Subsequent and more complete information indicates that Mine Index No. 225 is actually located at Murtea, Kentucky. Mine Index No. 225 should accordingly be reassigned to Freight Origin Group No. 113, the correct freight origin group for this shipping point.

A change in shipping points from Glamorgan to Norton, Virginia, is requested

for Mine Index No. 3682 because of the inability of this mine to obtain a siding on the Interstate Railroad at Glamorgan, Virginia. It appears that the freight rates applicable from both points are the same. A change in shipping points from Essersville to Norton, Virginia, is requested for Mine Index No. 2308 because of the inability of this mine to obtain loading facilities on the Interstate Railroad at Essersville, Virginia. It appears also that the freight rates applicable from both of these points are also the same.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and no petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 328.11 (Alphabetical list of code members) is amended by adding thereto supplement R, § 328.34 (General prices for high volatile coals in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-I, and § 328.42 (General prices for low volatile coals) is amended by adding thereto Supplement T-II, which supplements are herein-after set forth and hereby made a part hereof; and commencing forthwith, the shipping points and freight origin group numbers appearing in the aforesaid "Supplement R" for Mine Index Nos. 225,

3682, and 2308 are effective in place of the shipping points and freight origin group numbers heretofore established for these mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein for the coals of the Cameo Mine (Mine Index No. 81) of the Cameo Coal Mining Company as requested in the original petition because the relief requested has already been granted in a Memorandum Opinion and Order dated November 21, 1941, Serving Docket No. A-1165 Part I from Docket No. A-1165 Granting Temporary Relief and Conditionally Providing for Final Relief in Docket No. A-1165 Part I.

No price classifications and no minimum prices are established herein for the coals of Mine Index No. 3901 of Holbrook & Mann (S. W. Holbrook) because prices were established for this mine in an Order dated November 27, 1941, Granting Temporary Relief and Conditionally Providing for Final Relief in Docket No. A-1144.

Freight Origin Group No. 180 listed in



[SEAL] Dated: December 6, 1941.  
DAN H. WHEELER,  
*Acting Director.*

Tennessee, the shipping point proposed in the original petition for the coals of this mine.

pany has been changed to Freight Origin Group No. 40 which is the correct Freight Origin Group Number for Caryville, Ten-

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

328.11 *Alphabetical list of code members—Supplement R*

A alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.		Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group	Price classifications by size group Nos.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
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See footnotes at end of table.







**§ 328.11 Alphabetical list of code members—Supplement R—Continued**  
LISTINGS TO CHANGE SHIPPING POINTS AND FREIGHT ORIGIN GROUP NUMBERS

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group	Price classifications by size group Nos.																	
								For destinations other than Great Lakes									For Great Lakes cargo only								
								1, 2, 3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17, 18	19, 20, 21	22	23	24	25	26	27	28	29	30
225	Garneda Coal Co.	Garno	Lower Hignite	6	Murtee, Ky.	L&N and Southern	113	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
362	Jackson, W. F.	Jackson	Clintonwood	7	Norton, Va.	L&N and N&W	205	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
208	Minton, W. C. (Minton Coal Company)	Minton Coal Co.	Blair	7	Norton, Va.	L&N and N&W	205	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

\*Indicates no classification effective for these size groups.  
\*Indicates previously classified these size groups.

**FOR TRUCK SHIPMENTS**  
**§ 328.34 General prices for high volatile coals in units per net ton for shipment into all market areas—Supplement T-1**

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				1	2	3	4	5	6	7	8
				Lump over 2" egg	Lump 3" x 6"	Lump 3" and under	Lump 1/4" and under	Egg 2" x 4", egg 2"	Sieve 3" and under	Straight mine run	1/4" and under slack
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN											
BOYD COUNTY, KY.											
Weaver, Noah	Weaver	3573	No. 7	265	245	210	220	205	200	140	145
CARTER COUNTY, KY.											
McKnight, Harry	H. H. Elliott	3010		265	245	210	220	205	200	140	145
FLOYD COUNTY, KY.											
Clark, Orville (Clark Elkhorn Coal Company)	Clark	3833	Elkhorn	265	265	225	230	215	215	165	160
Salisbury, James W.	Marie	3915	Elkhorn #1 & 2	265	265	225	230	215	215	170	165
GREENUP COUNTY, KY.											
Kirk, Chester	Fairchild	3882	Clod	265	245	210	220	205	200	150	145
LAWRENCE COUNTY, KY.											
Thompson, Robert C.	Thompson	3898	McHenry	265	245	210	220	205	200	150	145
LEITCH COUNTY, KY.											
Belcher, Levi	Swindle	3912	Elkhorn	275	255	220	230	215	210	170	165

**§ 328.34 General prices for high volatile coals in units per net ton for shipment into all market areas—Supplement T-1—Continued**

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				1	2	3	4	5	6	7	8
				Lump over 2" egg	Lump 3" x 6"	Lump 3" and under	Lump 1/4" and under	Egg 2" x 4", egg 2"	Sieve 3" and under	Straight mine run	1/4" and under slack
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN—Continued											
MAGOFFIN COUNTY, KY.											
Caldwell, James	Caldwell	3368	No. 7	265	245	210	220	205	200	150	145
FREE COUNTY, KY.											
Billiter, Karmut	Billiter	3947	Upper Elkhorn	275	255	220	230	215	210	170	165
Birchfield, W. M.	Birchfield	3922	Upper Elkhorn	275	255	220	230	215	210	170	165
Coleman & Puckett Coal Co. (Ted Coleman)	Coleman & Puckett Coal Co.	3775	Elkhorn No. 2	275	255	220	230	215	210	170	165
Combs, A. C.	Wedington	3911	Elkhorn No. 2	275	255	220	230	215	210	170	165
Hamilton & Spears (Elmer Hamilton)	Wedington	3881	Elkhorn No. 2	275	255	220	230	215	210	170	165
Haston Coal Company (Carl Moore)	Houston	3888	Elkhorn No. 2	275	255	220	230	215	210	170	165
Moore-Elliott Coal Company (Charles F. Moore)	Moore-Elliott No. 1	3933	Elkhorn No. 1	275	255	220	230	215	210	170	165
Moore-Elliott Coal Company (Charles F. Moore)	Moore-Elliott No. 2	3921	Elkhorn No. 2	275	255	220	230	215	210	170	165
Wright Bros. Coal Company (Joseph A. Wright)	Moore-Elliott No. 2	3945	Elkhorn No. 2	275	255	220	230	215	210	170	165
SUBDISTRICT NO. 2—HARLAN											
HARLAN COUNTY, KY.											
Clark, Alonzo	Clark	3776	Kalioka	300	280	235	250	235	225	180	175
France Coal Company (W. M. France)	Smith	3780	Harlan	270	250	225	230	210	215	175	170



§ 328.34 General prices for high volatile coals in units per net ton for shipment into all market areas—Supplement T-1—Continued

Code member index	Mine	Seam	Base sizes								Mine index No.	Code member index	Seam	Base sizes																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
			Lump over 2' x 6' egg	Lump 2' x 6' and under	Lump 3' x 6' egg	Lump 3' x 6' and under	Egg 2' x 4' egg 2'	Stove 2' and under	Straight mine run	2' and under slack				3' and under slack	Lump over 2' x 6' egg	Lump 2' x 6' and under	Lump 3' x 6' egg	Lump 3' x 6' and under	Egg 2' x 4' egg 2'	Stove 2' and under	Straight mine run	2' and under slack	3' and under slack																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
SUBDISTRICT NO. 2—HAZARD BREATHITT COUNTY, KY.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										

§ 328.34 General prices for high volatile coals in units per net ton for shipment into all market areas—Supplement T-1—Continued

Code member index	Mine	Seam	Base sizes								Mine index No.	Code member index	Seam	Base sizes												
			Lump over 24" x 6"; egg	Lump 24" x 6"; egg	Lump 24" x 6"; egg	Lump 24" x 6"; egg	Lump 24" x 6"; egg	Lump 24" x 6"; egg	Lump 24" x 6"; egg	Lump over 24" x 6"; egg				Lump 24" x 6"; egg	Lump 24" x 6"; egg	Lump 24" x 6"; egg	Lump over 24" x 6"; egg	Lump 24" x 6"; egg	Lump 24" x 6"; egg	Lump over 24" x 6"; egg						
SUBDISTRICT NO. 2—HAZARD																										
BREATHT COUNTY, KY.																										
Griffith, C. A.	Griffith Coal Co.	3943																								
Profit, S. G.	Profit No. 3.	3927																								
LEITCH COUNTY, KY.																										
Caudill, Delmer	Delmer Caudill	3834																								
Hersel, Hursel	Hursel Creek	3848																								
Hubert, Hubert	Hubert Stacy	3909																								
Linters, Linville	Linville Venters	3885																								
FERRY COUNTY, KY.																										
Hurt & Short (Bradley Short)	Hurt & Short	3907																								
WOLFE COUNTY, KY.																										
London, Chas. E.		3899																								
UBDISTRICT NO. 4—KANAWHA																										
KANAWHA COUNTY, W. VA.																										
Comer, Oscar E. (Comer Black Band Coal Co.)	Comer Black Band No. 3.	3932																								
SUBDISTRICT NO. 5—LOGAN																										
LINCOLN COUNTY, W. VA.																										
Hinkins, Rosetta (Mrs.)	Fox Creek	3951																								
Pears, Everett	Hutball	3959																								
UBDISTRICT NO. 6—SOUTHERN APPALACHIAN																										
BELL COUNTY, KY.																										
Evans, W. K. (Kenton Evans Coal Co.)	Beans Fork	3956																								
Gilmore, William & Tom Fisher (William Gilmore)	No. 1	3918																								
Gudger, Fred (Twin Ridge Coal Company)	Gudger No. 2	3867																								
Gulley, W. G. (Sugar Run Coal Company)	Sugar Run	3902																								
Gusher, Isaac (Slusher Coal Mining Co.)	Blacksnake	3839																								
CLAY COUNTY, KY.																										
Landell, R. L.	Susan	3920																								
Libbott, Roy	Three Oaks	3919																								
McKenize, Frank	Sizemore	3958																								
KNOW COUNTY, KY.																										
Abner, Tommy & Earl Fisher (Earl Fisher)	Abner & Fisher	3963																								
Fox, Arthur	Fox	3872																								
Hill, Cleve	Cleve Hill	3870																								
Lee, Charlie	Lee	3871																								



§ 328.34 General prices for high volatile coals in units per net ton for shipment into all market areas—Supplement T-I—Continued

Code member index	Mine	Seam	Base sizes							
			Lump over 24" x 6"	Lump 24" x 6" and under	Lump 24" x 6" and under	Lump 24" x 6" and under	1/2" and under	3/4" and under	1 1/4" and under	1 1/2" and under
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN—Continued										
SCOTT COUNTY, TENN.										
Bales & Chambers (Arlot Chambers),	Bales & Chambers	Paint Rock	255	235	215	210	200	205	155	150
SUBDISTRICT NO. 7—VIRGINIA										
BRICKEN COUNTY, VA.										
Vanover, E. C.	Vanover Coal Co.	Clintwood	265	245	220	220	215	210	155	150
WISE COUNTY, VA.										
Bentley Coal Co. (E. C. Bentley)		Imboden	265	245	220	220	215	210	155	150
Kelly & Stallard Coal Co. (Chant B. Kelly).		Clintwood	265	245	220	220	215	210	155	150
Bess, Lonnie		Widow Kennedy	275	255	230	240	225	210	155	150
Stonegate Coke & Coal Company	Hodia-Premix	Marker-Imboden	275	255	230	240	225	210	155	150
SUBDISTRICT NO. 8—WILLIAMSON										
MARTIN COUNTY, KY.										
Cassidy, Samuel S. (Cassidy Coal Company).	Davis Coal	Millers Creek	305	285	235	240	215	225	170	165
FREE COUNTY, KY.										
Church, Sam.	Church	Pond Creek	245	225	225	210	200	215	160	155
BUCHANAN COUNTY, VA.										
State Line Coal Co. (G. Picma Belcher).	State Line Coal Co.	Splash Dam	265	245	220	220	215	210	180	175
MINGO COUNTY, W. VA.										
Messer, Troy	Messer	No. 5 Block	245	225	205	210	185	195	145	140
WAYNE COUNTY, W. VA.										
Cooke, Harry E.	Cooke	Pittsburgh	245	225	205	210	185	195	145	140
Marcum, Dewey	Breezy Gap	No. 3 Block	245	225	205	210	185	195	145	140
Preston, Millard	Preston	Freepoint	245	225	205	210	185	195	145	140

No. 251—3

FOR TRUCK SHIPMENTS

§ 328.42 General prices for low volatile coals—Supplement T-II

Code member index	Mine	Seam	All lump	Base sizes							
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS											
RUSSELL COUNTY, VA.											
Brown, Cleo	Brown Coal Co.	Red Ash	305	305	300	290	280	215	155	150	

[F. E. Doc. 41-9671; Filed, December 23, 1941; 10:23 a. m.]

[Docket No. A-1026]

## PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER GRANTING TEMPORARY AND PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR COALS, FOR SHIPMENT BY TRUCK, PRODUCED AT MINES OF CERTAIN CODE MEMBERS IN DISTRICT NO. 12

A petition having been filed with the Bituminous Coal Division on August 26, 1941, by District Board 12, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that temporary and permanent relief be granted by reducing the effective minimum prices, for shipment by truck, of certain coals produced in District 12:

Pursuant to Orders of the Director and after due notice to interested persons, a hearing in this matter having been held before Travis Williams, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard:

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having

thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof, § 332.24 (General prices; in cents per net ton for shipment into all market areas) in the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments be and it hereby is amended as indicated in the Schedule marked "supplement T" attached hereto and made a part hereof.

It is further ordered, That effective 15 days from the date hereof, pending final disposition of the proceeding in Docket No. A-179 and of the petition herein, the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments be and it hereby is amended in accordance with the Schedule marked "temporary supplement T" attached hereto and made a part hereof; provided that applications to make permanent, stay, terminate, or modify such temporary relief may be filed.

Dated: December 11, 1941.

[SEAL]

DAN H. WHEELER,  
Acting Director.



Powellton B coals of the No. 9 Mine of the Carbon Fuel Company (Mine Index No. 3661) in Subdistrict No. 4, shall be "E" for Size Groups No. 18, 19, 20 and 21, and "C" for Size Group 27, both for shipments to destinations other than the Great Lakes and for Great Lakes cargo only, and shall take the corresponding minimum prices.

It is further ordered, That in all other respects the petition herein be, and the same hereby is, denied.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9715; Filed December 24, 1941;  
11:19 a. m.]

# TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES  
PUBLIC CIRCULAR NO. 9 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACCTIONS IN FOREIGN EXCHANGE, ETC.<sup>1</sup>

DECEMBER 24, 1941.

All general licenses, specific licenses, and authorizations of whatsoever character are hereby revoked insofar as they authorize, directly or indirectly, any of the following with respect to any bond, debenture of similar obligation, including coupons (all of which are hereinafter referred to as securities) issued by the Government of Denmark, or any political subdivision, agency or instrumentality thereof:

(a) The removal of such securities from blocked accounts of Denmark, or any person within Denmark, or from any General Ruling No. 6 account; or

<sup>1</sup> This public circular affects parts 130 and 131 and will be included in appendices to those parts. Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, and E.O. 8933, December 9, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

[Docket No. A-1054, Part II]

## PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE NO. 9 MINE OF THE CARBON FUEL COMPANY (MINE INDEX NO. 3661) IN DISTRICT NO. 8

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 8 requesting the establishment of price classifications and minimum prices for the coals of certain mines in District 8, including the No. 9 Mine of the Carbon Fuel Company (Mine Index No. 3661);

An Order having been issued by the Director on October 7, 1941, 6 F.R. 5155, severing that portion of Docket No. A-1054 relating to the aforesaid No. 9 Mine of the Carbon Fuel Company (Mine Index No. 3661) and designating it as Docket No. A-1054, Part II, and granting temporary relief pending further Order of the Director;

Pursuant to an Order of the Director, a hearing having been held in this matter on November 14, 1941, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which time all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

All parties having waived the preparation and filing of a report by the Examiner, and the record thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That § 328.11 (Alphabetical list of code members) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be, and the same hereby is amended as follows: Commencing fifteen (15) days from the date of the Order the classification for

## FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 332, Minimum Price Schedule for District No. 12, and supplements thereto.

### FOR TRUCK SHIPMENTS

§ 332.24 General prices in cents per net ton for shipment into all market areas—  
Supplement T

Code member index	Mine name	Mine No.	Group No.	County	Chunk	Standard lump	Small egg 4 x 2"	Small egg 3 x 1 1/2"	Mine run	Dom. stocker 1 1/4"	Dom. stocker 1 1/2"	Screenings 2", 1 1/2"	Ind. stocker 2", 1 1/2"	Ind. stocker 2", 1 1/4"	Ind. stocker 2", 1 1/2"
Ritchey Coal Co. (Eugene Johnson).	Ritchey Coal Co.	741	15	Lucas	222-282-272	262-267	267	267	267	267	267	267	267	267	267
Tillotson Coal Co. (Ted Tillotson).	Tillotson Coal Co.	718	9	Wapello	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

\* Minimum prices established for these sizes. No changes requested.

### Temporary Supplement T

(Prices in cents per net ton for shipment into all market areas)

Code member index	Mine name	Mine No.	Group No.	County	Chunk	Standard lump	Small egg 4 x 2"	Small egg 3 x 1 1/2"	Mine run	Dom. stocker 1 1/4"	Dom. stocker 1 1/2"	Screenings 2", 1 1/2"	Ind. stocker 2", 1 1/2"	Ind. stocker 2", 1 1/4"	Ind. stocker 2", 1 1/2"
Bertelli, Silvio (Bertelli Coal Co.)	Bertelli	612	2	Appanoose	275	265-255	245	265	265	265	265	265	265	265	265
Bradshaw, Dan	Dan Bradshaw	243	1	Appanoose	260	230-240	230	250	240	240	240	240	240	240	240
Caldwell, R. (Caldwell Coal Co.)	Caldwell Coal Co.	249	1-A	Appanoose	260	230-240	230	250	240	240	240	240	240	240	240
Fowler, P. R. (Fowler Coal Co.)	Fowler	327	1-A	Appanoose	260	230-240	230	250	240	240	240	240	240	240	240
Guinn, Hardin (Guinn Coal Co.)	Guinn Coal	325	1	Appanoose	265	255-245	235	255	245	245	245	245	245	245	245
Hall, Walter	Friendship	375	1-A	Appanoose	265	255-245	235	255	245	245	245	245	245	245	245
Harrison, Rob't	Harrison	349	1-A	Appanoose	260	230-240	230	250	240	240	240	240	240	240	240
Kaularich, G. (Geo. Kaularich & Greiko)	Kaularich & Greiko	338	1-A	Appanoose	265	255-245	235	255	245	245	245	245	245	245	245
Mahalovich, John (John Mahalovich & John Mahalovich)	Mahalovich	377	1-A	Appanoose	265	255-245	235	255	245	245	245	245	245	245	245
Moore, W. H.	Hot Blast	399	1-A	Appanoose	265	255-245	235	255	245	245	245	245	245	245	245
R. & G. Coal Co. (Gabriel R. & G.)	R. & G.	637	1-A	Appanoose	265	255-245	235	255	245	245	245	245	245	245	245
Raskie, Steve	Raskie Coal Co.	569	1-A	Appanoose	265	255-245	235	255	245	245	245	245	245	245	245
Selvy, Dewey	Selvy	453	1	Appanoose	260	230-240	230	250	240	240	240	240	240	240	240
White Oak Coal Co. (Charles Lamantia)	White Oak	389	1-A	Appanoose	265	255-245	235	255	245	245	245	245	245	245	245

\* Minimum prices established for these sizes. No changes requested.

[F. R. Doc. 41-9673; Filed, December 23, 1941; 10:24 a. m.]



(b) The presentation, by or on behalf of or for the benefit of Denmark, or any person within Denmark, or any General Ruling No. 6 account, of such securities for payment or redemption; or

(c) The sale or other disposition of such securities by or on behalf of or for the benefit of Denmark, or any person within Denmark, or any General Ruling No. 6 account,

Provided, That this public circular shall not be deemed to prevent the completion on or prior to December 27, 1941, of purchases and sales of such securities (other than detached coupons) which were made pursuant to the Order on or before December 24, 1941.

[SEAL] E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 41-9752; Filed, December 26, 1941;  
11:48 a. m.]

## TITLE 32—NATIONAL DEFENSE

### CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 120]

#### AMENDING THE REGULATIONS SO AS TO ELIMINATE GROUP NOW DEFERRED BY REASON OF AGE

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three,<sup>1</sup> Section XXV, by striking out present subparagraph b of Paragraph 365 and substituting therefor the following:

b. In Class IV-E shall be placed each such registrant who is found to be fit for general service. In Class IV-E-LS shall be placed each such registrant who is found to be fit only for limited service. In Class IV-E-H shall be placed every registrant theretofore classified in either Class IV-E or Class IV-E-LS who, prior to being assigned to and accepted for work of national importance under civilian direction, may be deferred by reason of age. Unless and until it is determined that a particular age group should be deferred, no registrant shall be classified in Class IV-E-H. Class IV-E-LS registrants will be assigned to work of national importance under civilian direction if and when Class I-B registrants are called by the land or naval forces for training and service. The designations "LS" or "H" shall be carried on the Classification Record (Form 100), the Conscientious Objector Report (Form 48), and other appropriate records and notices.

LEWIS B. HERSHEY,  
Director.

DECEMBER 20, 1941.

[F. R. Doc. 41-9732; Filed, December 24, 1941;  
2:07 p. m.]

<sup>1</sup> 5 F.R. 3923.

[Amendment No. 121]

#### AMENDING THE REGULATIONS SO AS TO ELIMINATE GROUP NOW DEFERRED BY REASON OF AGE

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three,<sup>1</sup> Section XXI, by striking out Paragraph 345 thereof and substituting the following:

345. *Class I-H: Man deferred by reason of age.* In Class I-H shall be placed every registrant, not a volunteer, who prior to induction in the land or naval forces may be deferred by reason of age. Unless and until it is determined that a particular age group should be deferred, no registrant shall be classified in Class I-H.

LEWIS B. HERSHEY,  
Director.

DECEMBER 20, 1941.

[F. R. Doc. 41-9733; Filed, December 24, 1941;  
2:07 p. m.]

[Amendment No. 122]

#### AMENDING THE REGULATIONS SO AS TO CHANGE THE DESIGNATION OF CLASS IV-C

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three,<sup>1</sup> Section XVIII, Paragraph 328, by deleting under Class IV "Class IV-C: Nondeclarant alien" and by substituting therefor "Class IV-C: Neutral aliens requesting relief from liability and unacceptable alien enemies."

LEWIS B. HERSHEY,  
Director.

DECEMBER 24, 1941.

[F. R. Doc. 41-9734; Filed, December 24, 1941;  
2:07 p. m.]

[Amendment No. 123]

#### AMENDING THE REGULATIONS SO AS TO CHANGE THE COMPOSITION OF CLASS IV-C

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three,<sup>1</sup> Section XXIV, in the following respects:

1. By changing the third line of the index thereof to read: Class IV-C: Neutral aliens requesting relief from liability and unacceptable alien enemies.

2. By deleting Paragraph 359 and substituting therefor the following:

359. *Class IV-C: Neutral aliens requesting relief from liability and unacceptable alien enemies.* (a) In Class IV-C shall be placed any registrant, not a national of the United States, who is:

(1) A citizen or subject of a neutral country who, prior to his induction into the land or naval forces, has made application to be relieved from liability for training and service in the land or naval forces of the United States by filing with the local board an Application by Alien for Relief from Military Service (Form 301); or

(2) A citizen or subject of any country who has been or who may hereafter be proclaimed by the President to be an alien enemy of the United States, unless he is acceptable to the land or naval forces.

(b) Any registrant who claims to be a citizen or subject of a neutral country or to be a citizen or subject of any country who has been or who may hereafter be proclaimed by the President to be an alien enemy of the United States must submit proof of such status to the local board in the form of a birth certificate, entry permit, alien registration certificate, or other information required by the local board.

(c) When a citizen or subject of a neutral country who is liable for training and service prior to his induction into the land or naval forces files an Application by Alien for Relief from Military Service (Form 301), he is thereafter debarred from becoming a citizen of the United States. If a registrant desires to make such application, he shall execute and file two copies of the Application by Alien for Relief from Military Service (Form 301). The original of the Application by Alien for Relief from Military Service (Form 301) shall be transmitted through the State Director of Selective Service to the Immigration and Naturalization Service of the Department of Justice for its files, and the remaining copy shall be retained in the registrant's Cover Sheet (Form 53).

(d) If a registrant is a national of the United States but also contends that he is a citizen or subject of a neutral country or an alien enemy, such contention shall be disregarded and he shall be classified without regard thereto.

(e) Whenever the local board has a perplexing case, it should request assistance through State Headquarters for Selective Service from the Immigration and Naturalization Service.

LEWIS B. HERSHEY,  
Director.

DECEMBER 24, 1941.

[F. R. Doc. 41-9735; Filed, December 24, 1941;  
2:08 p. m.]



## PART 622—CLASSIFICATION

## AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 622,<sup>1</sup> by striking out § 622.16 thereof and substituting the following:

§ 622.16 *Class I-H: Man deferred by reason of age.* In Class I-H shall be placed every registrant, not a volunteer, who prior to induction in the land or naval forces may be deferred by reason of age. Unless and until it is determined that a particular age group should be deferred, no registrant shall be classified in Class I-H. (54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779)

Effective January 1, 1942.

LEWIS B. HERSHEY,  
Director.

DECEMBER 20, 1941.

[F. R. Doc. 41-9736; Filed, December 24, 1941;  
2:08 p. m.]

## PART 622—CLASSIFICATION

## AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 622,<sup>1</sup> in the following respects:

1. By striking from § 622.1 thereof the following: "Class IV-C: Nondeclarant alien" and substituting therefor the following: "Class IV-C: Neutral aliens requesting relief from liability and unacceptable alien enemies."

2. By deleting § 622.43 and substituting therefor the following:

§ 622.43 *Class IV-C: Neutral aliens requesting relief from liability and unacceptable alien enemies.* (a) In Class IV-C shall be placed any registrant, not a national of the United States, who is:

(1) A citizen or subject of a neutral country who, prior to his induction into the land or naval forces, has made application to be relieved from liability for training and service in the land or naval forces of the United States by filing with the local board an Application by Alien for Relief from Military Service (Form 301); or

(2) A citizen or subject of any country who has been or who may hereafter be proclaimed by the President to be an alien enemy of the United States, unless he is acceptable to the land or naval forces.

(b) Any registrant who claims to be a citizen or subject of a neutral country or to be a citizen or subject of any country who has been or who may hereafter be proclaimed by the President to be an

<sup>1</sup> 6 F.R. 6607.

alien enemy of the United States must submit proof of such status to the local board in the form of a birth certificate, entry permit, alien registration certificate, or other information required by the local board.

(c) When a citizen or subject of a neutral country who is liable for training and service prior to his induction into the land or naval forces files an Application by Alien for Relief from Military Service (Form 301), he is thereafter debarred from becoming a citizen of the United States. If a registrant desires to make such application, he shall execute and file two copies of the Application by Alien for Relief from Military Service (Form 301). The original of the Application by Alien for Relief from Military Service (Form 301) shall be transmitted through the State Director of Selective Service to the Immigration and Naturalization Service of the Department of Justice for its files, and the remaining copy shall be retained in the registrant's Cover Sheet (Form 53).

(d) If a registrant is a national of the United States but also contends that he is a citizen or subject of a neutral country or an alien enemy, such contention shall be disregarded and he shall be classified without regard thereto.

(e) Whenever the local board has a perplexing case, it should request assistance through State Headquarters for Selective Service from the Immigration and Naturalization Service. (54 Stat. 885; 50 U.S.C., Sup., 301-318 inclusive, E.O. No. 8545, 5 F.R. 3779)

Effective January 1, 1942.

LEWIS B. HERSHEY,  
Director.

DECEMBER 22, 1941.

[F. R. Doc. 41-9737; Filed, December 24, 1941;  
2:08 p. m.]

## PART 622—CLASSIFICATION

## AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 622,<sup>1</sup> by striking out § 622.53 and substituting therefor the following:

§ 622.53 *Class IV-E-H: Man formerly classified in Class IV-E or Class IV-E-LS, since deferred by reason of age.* In Class IV-E-H shall be placed every registrant theretofore classified in either Class IV-E or Class IV-E-LS who, prior to being assigned to and accepted for work of national importance under civilian direction, may be deferred by reason of age. Unless and until it is determined that a particular age group should be deferred, no registrant shall be classified in Class IV-E-H. (54 Stat. 885; 50 U.S.C., Sup.,

<sup>1</sup> 6 F.R. 6607.

301-318 inclusive, E.O. No. 8545, 5 F.R. 3779.)

Effective January 1, 1942.

LEWIS B. HERSHEY,  
Director.

DECEMBER 20, 1941.

[F. R. Doc. 41-9738; Filed, December 24, 1941;  
2:08 p. m.]

## CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

## SUBCHAPTER B—PRIORITIES DIVISION

## PART 1018—TINFOIL AND LEAD FOIL

## Amendment No. 2 to Limitation Order No. L-25

Section 1018.1 (*Limitation Order L-25*)<sup>1</sup> as heretofore amended November 29, 1941, is hereby further amended as follows:

Paragraph (e) of said Section, as amended, is hereby further amended to read as follows:

§ 1018.1 *Limitation Order No. L-25.*

(e) *Effective date.* This order shall take effect on January 15, 1942, and shall continue in effect until revoked by the Director of Priorities.

This amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, 3d Session, as amended by Public No. 89, 77th Congress, 1st Session; sec. 9, Public No. 783, 76th Congress, 3d Session)

Issued this 23d day of December 1941.

DONALD M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-9751; Filed, December 26, 1941;  
11:22 a. m.]

## CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

## PART 1304—IRON AND STEEL SCRAP

## AMENDMENT NO. 12 OF PRICE SCHEDULE NO. 4—IRON AND STEEL SCRAP

Section 1304.15<sup>1</sup> is hereby amended by adding thereto paragraph (d):

§ 1304.15 *Appendix C: maximum prices for cast scrap other than railroad scrap.*

(d) *Unprepared scrap.* Except in the case of Heavy Breakable Cast, the maximum prices established hereinabove are maximum prices for prepared scrap. For unprepared scrap, exclusive of Heavy

<sup>1</sup> 6 F.R. 5954, 6145.

<sup>2</sup> 6 F.R. 6694.



Breakable Cast, maximum prices shall be \$2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap.

Where scrap is to undergo preparation prior to its arrival at the point of delivery, such scrap is not at its shipping point, as that phrase is defined in paragraph (a) hereof, until after such preparation has been completed.

Issued this 24th day of December 1941, this amendment No. 12 shall become effective December 24, 1941.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 41-9739; Filed, December 24, 1941;  
3:05 p. m.]

# PART 1307—RAW MATERIALS FOR COTTON TEXTILES

## AMENDMENT NO. 4 TO PRICE SCHEDULE NO. 7—COMBED COTTON YARNS<sup>1</sup>

Section 1307.7, Appendix A, prices per pound for combed peeler yarns, is hereby amended to read as follows:

§ 1307.7 Appendix A, maximum prices for combed yarn—(a) Maximum prices for combed yarn covered by contract of sale prior to December 24, 1941. Cotton goods of the following specifications which, prior to December 24, 1941, were covered by a sale or contract of sale but not delivered pursuant thereto, shall not be delivered to the purchaser at prices in excess of those set forth below.

### Prices Per Pound for Combed Peeler Yarns<sup>1</sup>

	Single	2-ply		Single	2-ply
10s.....	\$0.385	\$0.425	40s.....	\$0.50	\$0.55
12s.....	.39	.43	50s.....	.58	.63
14s.....	.395	.435	60s.....	.67	.72
16s.....	.40	.44	70s.....	.77	.82
18s.....	.405	.445	80s.....	.87	.92
20s.....	.41	.45	86s.....	1.00	1.12
24s.....	.42	.46	90s.....	1.08	1.20
26s.....	.43	.47	100s.....	1.28	1.42
30s.....	.45	.49	110s.....	1.64	
36s.....	.48	.53	120s.....	1.88	
48s.....	.49	.54			

<sup>1</sup>The above prices apply only to combed cotton yarns of ordinary commercial quality. For yarns with excess twist, reverse twist, three or more ply, high break, or requiring the use of extra length American cotton, Pima cotton, Egyptian cotton, or Sea Island cotton, a premium over the above prices may be charged to cover the additional cost involved in manufacturing these special qualities.

(b) Combed yarns not covered by contract prior to December 24, 1941—(1) Applicability of maximum prices in paragraph (b). The maximum prices established in paragraph (b) apply to all transactions entered into or carried out on or after December 24, 1941, except deliveries for which maximum prices are established by paragraph (a).

(2) Determination of maximum price. The maximum price for any offer to buy

or sell, sale or contract of sale, delivery of transfer of combed yarn shall be determined from the tables below in the following manner:

(i) Offer to buy or sell. By the spot cotton price<sup>2</sup> of the business day immediately preceding that on which the offer was made, except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price appli-

<sup>2</sup>The term "spot cotton price," when used herein, means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling 1<sup>1</sup>/<sub>16</sub>-inch cotton on ten designated spot markets.

cable on the day the contract of sale is to be made shall not be a violation of the schedule;

(ii) Sale or contract of sale. By the spot cotton price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made;

(iii) Delivery or transfer. By the spot cotton price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the spot cotton price subsequent thereto.

### (3) Maximum price tables

TABLE I.—Yarn Numbers Up to 50s

#### SPOT COTTON PRICES

[Cents per pound]

Yarn Nos.	14.38 to 14.77	14.78 to 15.17	15.18 to 15.58	15.59 to 15.98	15.99 to 16.38	16.39 to 16.79	16.80 to 17.19	17.20 to 17.59	17.60 to 18.00	18.01 to 18.40	18.41 to 18.80	18.81 to 19.20	19.21 to 19.61
Single:													
10s and under.....	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42
12s.....	36.5	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5
14s.....	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43
16s.....	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5
18s.....	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44
20s.....	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5
22s.....	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45
24s.....	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46
26s.....	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5	47
28s.....	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5	47	47.5	48
30s.....	43	43.5	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49
32s.....	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50
34s.....	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50	50.5	51
36s.....	46.5	47	47.5	48	48.5	49	49.5	50	50.5	51	51.5	52	52.5
38s.....	48	48.5	49	49.5	50	50.5	51	51.5	52	52.5	53	53.5	54
40s.....	49.5	50	50.5	51	51.5	52	52.5	53	53.5	54	54.5	55	55.5
42s.....	51	51.5	52	52.5	53	53.5	54	54.5	55	55.5	56	56.5	57
44s.....	53	53.5	54	54.5	55	55.5	56	56.5	57	57.5	58	58.5	59
46s.....	55	55.5	56	56.5	57	57.5	58	58.5	59	59.5	60	60.5	61
48s.....	57	57.5	58	58.5	59	59.5	60	60.5	61	61.5	62	62.5	63
Two and Three Ply:													
10s and under.....	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45
12s.....	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5
14s.....	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46
16s.....	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5
18s.....	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5	47
20s.....	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5	47	47.5	48
22s.....	43	43.5	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49
24s.....	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50
26s.....	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50	50.5	51
28s.....	46	46.5	47	47.5	48	48.5	49	49.5	50	50.5	51	51.5	52
30s.....	47	47.5	48	48.5	49	49.5	50	50.5	51	51.5	52	52.5	53
32s.....	48.5	49	49.5	50	50.5	51	51.5	52	52.5	53	53.5	54	54.5
34s.....	50	50.5	51	51.5	52	52.5	53	53.5	54	54.5	55	55.5	56
36s.....	51.5	52	52.5	53	53.5	54	54.5	55	55.5	56	56.5	57	57.5
38s.....	53	53.5	54	54.5	55	55.5	56	56.5	57	57.5	58	58.5	59
40s.....	55	55.5	56	56.5	57	57.5	58	58.5	59	59.5	60	60.5	61
42s.....	57	57.5	58	58.5	59	59.5	60	60.5	61	61.5	62	62.5	63
44s.....	59	59.5	60	60.5	61	61.5	62	62.5	63	63.5	64	64.5	65
46s.....	61	61.5	62	62.5	63	63.5	64	64.5	65	65.5	66	66.5	67
48s.....	63	63.5	64	64.5	65	65.5	66	66.5	67	67.5	68	68.5	69

TABLE II.—Yarn Numbers 50s and Above

#### SPOT COTTON PRICES

[Cents per pound]

	14.53 to 14.89	14.90 to 15.25	15.26 to 15.62	15.63 to 15.98	15.99 to 16.35	16.36 to 16.71	16.72 to 17.08	17.09 to 17.44	17.45 to 17.81	17.82 to 18.17	18.18 to 18.54	18.55 to 18.90	18.91 to 19.27
Single:													
50s.....	59	59.5	60	60.5	61	61.5	62	62.5	63	63.5	64	64.5	65
52s.....	61	61.5	62	62.5	63	63.5	64	64.5	65	65.5	66	66.5	67
54s.....	63	63.5	64	64.5	65	65.5	66	66.5	67	67.5	68	68.5	69
56s.....	65	65.5	66	66.5	67	67.5	68	68.5	69	69.5	70	70.5	71
58s.....	67	67.5	68	68.5	69	69.5	70	70.5	71	71.5	72	72.5	73
60s.....	69	69.5	70	70.5	71	71.5	72	72.5	73	73.5	74	74.5	75
62s.....	71	71.5	72	72.5	73	73.5	74	74.5	75	75.5	76	76.5	77
64s.....	73	73.5	74	74.5	75	75.5	76	76.5	77	77.5	78	78.5	79
66s.....	75	75.5	76	76.5	77	77.5	78	78.5	79	79.5	80	80.5	81
68s.....	77	77.5	78	78.5	79	79.5	80	80.5	81	81.5	82	82.5	83
70s.....	79	79.5	80	80.5	81	81.5	82	82.5	83	83.5	84	84.5	85
72s.....	81	81.5	82	82.5	83	83.5	84	84.5	85	85.5	86	86.5	87
74s.....	83	83.5	84	84.5	85	85.5	86	86.5	87	87.5	88	88.5	89

<sup>1</sup>6 F.R. 2561, 3010, 3593.



TABLE II.—Yarn Numbers 50s and Above—Continued  
SPOT COTTON PRICES—Continued  
[Cents per pound]

	14.53 to 14.89	14.90 to 15.25	15.26 to 15.62	15.63 to 15.98	15.99 to 16.35	16.36 to 16.71	16.72 to 17.08	17.09 to 17.44	17.45 to 17.81	17.82 to 18.17	18.18 to 18.54	18.55 to 18.90	18.91 to 19.27
Single—Continued.													
70s.....	85	85.5	86	86.5	87	87.5	88	88.5	89	89.5	90	90.5	91
75s.....	87	87.5	88	88.5	89	89.5	90	90.5	91	91.5	92	92.5	93
80s.....	89	89.5	90	90.5	91	91.5	92	92.5	93	93.5	94	94.5	95
85s.....	91	91.5	92	92.5	93	93.5	94	94.5	95	95.5	96	96.5	97
90s.....	94	94.5	95	95.5	96	96.5	97	97.5	98	98.5	99	99.5	100
95s.....	98	98.5	99	99.5	100	100.5	101	101.5	102	102.5	103	103.5	104
100s.....	106	106.5	107	107.5	108	108.5	109	109.5	110	110.5	111	111.5	112
100s.....	126	126.5	127	127.5	128	128.5	129	129.5	130	130.5	131	131.5	132
Two and Three Ply:													
50s.....	65	65.5	66	66.5	67	67.5	68	68.5	69	69.5	70	70.5	71
52s.....	67	67.5	68	68.5	69	69.5	70	70.5	71	71.5	72	72.5	73
54s.....	69	69.5	70	70.5	71	71.5	72	72.5	73	73.5	74	74.5	75
56s.....	71	71.5	72	72.5	73	73.5	74	74.5	75	75.5	76	76.5	77
58s.....	73.5	74	74.5	75	75.5	76	76.5	77	77.5	78	78.5	79	79.5
60s.....	76	76.5	77	77.5	78	78.5	79	79.5	80	80.5	81	81.5	82
62s.....	78	78.5	79	79.5	80	80.5	81	81.5	82	82.5	83	83.5	84
64s.....	80	80.5	81	81.5	82	82.5	83	83.5	84	84.5	85	85.5	86
66s.....	82	82.5	83	83.5	84	84.5	85	85.5	86	86.5	87	87.5	88
68s.....	84.5	85	85.5	86	86.5	87	87.5	88	88.5	89	89.5	90	90.5
70s.....	87	87.5	88	88.5	89	89.5	90	90.5	91	91.5	92	92.5	93
72s.....	89	89.5	90	90.5	91	91.5	92	92.5	93	93.5	94	94.5	95
74s.....	91	91.5	92	92.5	93	93.5	94	94.5	95	95.5	96	96.5	97
76s.....	93	93.5	94	94.5	95	95.5	96	96.5	97	97.5	98	98.5	99
78s.....	95	95.5	96	96.5	97	97.5	98	98.5	99	99.5	100	100.5	101
80s.....	97	97.5	98	98.5	99	99.5	100	100.5	101	101.5	102	102.5	103
82s.....	101	101.5	102	102.5	103	103.5	104	104.5	105	105.5	106	106.5	107
84s.....	105	105.5	106	106.5	107	107.5	108	108.5	109	109.5	110	110.5	111
86s.....	110	110.5	111	111.5	112	112.5	113	113.5	114	114.5	115	115.5	116
88s.....	118	118.5	119	119.5	120	120.5	121	121.5	122	122.5	123	123.5	124
90s.....	140	140.5	141	141.5	142	142.5	143	143.5	144	144.5	145	145.5	146
100s.....	162	162.5	163	163.5	164	164.5	165	165.5	166	166.5	167	167.5	168
110s.....	182	182.5	183	183.5	184	184.5	185	185.5	186	186.5	187	187.5	188
120s.....	186	186.5	187	187.5	188	188.5	189	189.5	190	190.5	191	191.5	192

TABLE III

In addition to the maximum prices set forth in Tables I and II:

(1) The following premiums may be charged for yarn twisted or spun with turns per inch equal to 4.50 or more times the square root of the yarn number of single yarns or of the single yarn equivalent of plied yarns:

Yarn numbers:	Premium cents per lb.
Below 30s.....	No premium.
30s to 39s, inclusive.....	0.25
40s to 49s, inclusive.....	.50
50s to 59s, inclusive.....	.75
60s to 79s, inclusive.....	1.00
80s to 89s, inclusive.....	1.50
90s to 99s, inclusive.....	2.00
100s and above.....	2.50

(2) A premium may be charged for yarn sold for use in the manufacture of Wind Resistant Cotton Cloth pursuant to Army Specification No. CCC-T 191 and Cotton 8.2 oz. Cloth pursuant to Army Specification No. 6-201 A and alternates of the latter: *Provided*, That such premium does not exceed the increased cost of the cotton actually used over and above the cost of strict middling American cotton of the staple lengths set forth below, according to count.

Yarn numbers:	Staple
Up to 24s, inclusive.....	1 1/16
25s to 30s, inclusive.....	1 3/16
31s to 44s, inclusive.....	1 1/2
45s to 55s, inclusive.....	1 5/8
56s to 70s, inclusive.....	1 3/4
71s to 80s, inclusive.....	1 1/2
81s to 90s, inclusive.....	1 1/4
91s to 100s, inclusive.....	1 1/16
Over 100s.....	1 1/8

Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 24th day of December, 1941.  
This Amendment No. 4 shall become effective December 24, 1941.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 41-9730; Filed, December 24, 1941;  
11:45 a. m.]

#### PART 1316—COTTON TEXTILES

##### AMENDMENT NO. 7 TO PRICE SCHEDULE NO. 11—FINE COTTON GREY GOODS

###### Correction

The premiums for the last two items in Table I appearing in the third column of page 6697 of the issue for Wednesday, December 24, 1941, should be transposed, so as to read as follows:

Name of manufacturing process:	Premium (per lb.)
Slubs:	
Cloths with 60 or more picks per inch.....	2¢
Cloths with less than 60 picks per inch.....	3¢

#### TITLE 46—SHIPPING

##### CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 188]

##### SUBCHAPTER A—DOCUMENTATION, EN- TRANCE AND CLEARANCE OF VESSELS, ETC.

DECEMBER 26, 1941.

##### PART 2—ENTRY OF VESSELS

Section 2.2 is amended to read as follows:

§ 2.2 Vessels not required to enter. In addition to the vessels specifically

exempted by statute from entry, any vessel of the United States, under frontier enrollment and license, which, during a voyage on the Great Lakes, touches at a foreign port for the purpose of taking on bunker fuel only, shall not be required to enter upon arrival in the United States from such foreign port: *Provided*, That this exemption shall not apply if, while at such foreign port, such vessel lands or takes on board any passengers, or any merchandise other than bunker fuel, receives orders, discharges any seaman by mutual consent, or engages any seaman to replace one discharged by mutual consent, or transacts any other business save that of taking on bunker fuel. Entry shall not be required of vessels coming in in distress or for bunkers (fuel or water for the vessel), sea stores, or ship's stores, transacting no other business in the port, and departing within twenty-four hours after arrival. If any such vessel remains more than twenty-four hours after arrival (whether any other business is transacted in the port or not), it is required to make entry unless while in possession of a valid departure permit it is detained in the port by order of the Naval Authorities of the United States.\*

\*§§ 2.2, 5.1, 6.14, and 6.16 amended under the authority contained in R.S. 161, Sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2; Act of September 25, 1941; Public Law 260, 77th Congress, 1st Session.

##### PART 5—FOREIGN CLEARANCES

Section 5.1 (a) is amended to read as follows:

§ 5.1 Requirements of clearance. (a) A vessel bound for foreign port or ports must be cleared for definite port or ports in the order of its itinerary, but an application to clear for a port or place "for orders" (instructions to masters as to destination of vessels) may be acted upon favorably if the cargo is to be discharged in a port of the same country as the port to which the vessel is to be cleared. Any vessel of the United States, under frontier enrollment and license, which, during a voyage on the Great Lakes, touches at a foreign port for the purpose of taking on bunker fuel only, shall not be required to clear prior to its departure from the United States: *Provided*, That this exemption shall not apply if, while at such foreign port, such vessel lands or takes on board any passengers, or any merchandise other than bunker fuel, receives orders, discharges any seaman by mutual consent, or engages any seaman to replace one discharged by mutual consent, or transacts any other business save that of taking on bunker fuel.\*

##### PART 6—COASTWISE PROCEDURE

Section 6.14 is amended to read as follows:

§ 6.14 Domestic vessels touching at foreign ports: departure. (a) The mas-



ter of every registered or enrolled and licensed vessel departing for a foreign contiguous country shall be required to clear and file a manifest in duplicate on Commerce Form 1374 in the same manner as in the case of a vessel departing for any other foreign country.

(b) Any vessel of the United States, under frontier enrollment and license, which, during a voyage on the Great Lakes, touches at a foreign port for the purpose of taking on bunker fuel only, shall not be required to clear prior to its departure from the United States: *Provided*, That this exemption shall not apply if, while at such foreign port, such vessel lands or takes on board any passengers, or any merchandise other than bunker fuel, receives orders, discharges any seaman by mutual consent, or engages any seaman to replace one discharged by mutual consent, or transacts any other business save that of taking on bunker fuel.\*

Section 6.16 is amended to read as follows:

§ 6.16 *Domestic vessels touching at foreign ports on the Great Lakes: arrival.* Any vessel of the United States, under frontier enrollment and license, which, during a voyage on the Great Lakes, touches at a foreign port for the purpose of taking on bunker fuel only, shall not be required to enter upon arrival in the United States from such foreign port: *Provided*, That this exemption shall not apply if, while at such foreign port, such vessel lands or takes on board any passengers, or any merchandise other than bunker fuel, receives orders, discharges any seaman by mutual consent, or engages any seaman to replace one discharged by mutual consent, or transacts any other business save that of taking on bunker fuel.\*

[SEAL] WAYNE C. TAYLOR,  
Acting Secretary of Commerce.

[F. R. Doc. 41-9761; Filed, December 26, 1941;  
11:54 a. m.]

#### TITLE 47—TELECOMMUNICATION CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Order No. 89]

##### PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

##### EMERGENCY FACILITIES BY TELEPHONE COMPANIES

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of December 1941:

The Commission having under consideration the matter of the accounting for "emergency facilities" by telephone companies;

Whereas the present national emergency has occasioned the construction by

telephone companies of "emergency facilities" of substantial proportions; and

Whereas peculiarities of the expected life of these facilities, ramifications and variations in the agreements governing their construction, and other considerations may be found at the conclusion of studies now in progress to warrant special accounting treatment; and

Whereas it is believed that the accounting for, or ensuing from, the construction of these facilities should accordingly be segregated insofar as practicable before the closing of the accounts for the current calendar year;

Now, therefore, it is ordered, That for the purpose of this order "emergency facilities" shall mean facilities provided by telephone companies pursuant to an agreement to furnish service to the United States Government or to any other person or organization required solely by the national defense program and where the cost of such facilities is segregable from the cost of other facilities of the company; and

It is further ordered, That with respect to all transactions (excepting station apparatus, station installations, drop and block wire, nonmultiple P. B. X.'s, and booths and special fittings) due to the construction or subsequent existence of "emergency facilities" costing \$5,000 or more for any project or establishment, constructed by class A and class B telephone companies subsequent to June 30, 1940, subsidiary accounting records shall be maintained until otherwise ordered so as to afford a segregation of such transactions recorded in

- (1) account 100.1, "Telephone plant in service,"
- (2) account 171, "Depreciation reserve,"
- (3) account 175, "Contributions of telephone plant,"
- (4) account 608, "Depreciation [expensed]," and
- (5) all operating revenue accounts:

*Provided, however*, That items (1), (3), and (5) shall be maintained by projects or establishments and summarized by States, item (2) shall be maintained by States, and item (4) shall be computed by classes of plant for the property in each State; and

*Provided further*, That the segregation with respect to the operating revenue accounts may be confined to nonrecurring amounts (such as, for example, those occasioned by so-called installation charges, as distinguished from recurring periodic charges); and

*Provided further*, That the reference to an account or group of accounts in this order shall not be construed as an indication of the propriety or impropriety of the use of such accounts in accounting for transactions of the nature under consideration herein.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 41-9742; Filed, December 26, 1941;  
11:03 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. B-150]

IN THE MATTER OF CONCO BUILDING PRODUCTS, INC., A CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION No. 1763, RESPONDENT

#### NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder to determine

(a) whether or not Conco Building Products, a corporation, registered distributor, Registration No. 1763, respondent in the above-entitled matter, whose address is Box 111, Mendota, Illinois, has violated any provisions of the Act, the Code, or orders or regulations of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors (the "Distributors' Regulations"), and the Distributor's Agreement (the "Agreement"), executed by respondent on June 12, 1940, pursuant to an Order of the National Bituminous Coal Commission (the "Commission"), dated March 24, 1939, entered in General Docket No. 12 which was subsequently adopted as an Order of the Division; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalty should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. On June 17, 1940, pursuant to an Order of the National Bituminous Coal Commission, dated March 24, 1939, entered in General Docket No. 12 which was subsequently adopted as an Order of the Division, respondent filed with the Division its application dated June 12, 1940, for registration as a registered distributor, which was accompanied by its Distributor's Agreement, dated June 12, 1940, that said application was approved by the Division on June 20, 1940, and certificate No. 1763 was issued to respondent authorizing it to act as a registered distributor; and that respondent has been, ever since said last mentioned date, and is now, acting as a registered distributor.

3. Respondent is a corporation organized during the year 1939 under the laws of the State of Illinois, with an authorized capital stock of 12,000 shares, of which 9,000 shares are issued and outstanding, and is engaged in the business of purchasing, selling and distributing bituminous coal at wholesale.

4. H. D. Conkey & Company is a corporation engaged in the manufacturing



business and is the owner of 6,300 shares of capital stock of the respondent. The remaining 2,700 outstanding shares of the capital stock of respondent are owned in equal parts by L. M. Mumford and Ray G. Ellingen, employees of said H. D. Conkey & Company.

5. The Conco Engineering Works is now, and during the entire period subsequent to October 1, 1940 was, a division of H. D. Conkey & Company. Conco Sand & Gravel is now, and during the entire period subsequent to October 1, 1940 was, a division of H. D. Conkey & Company. The Conco Press during the period October 1, 1940, to August 2, 1941, was a

division of H. D. Conkey & Company. L. M. Mumford and W. S. Michael at the time the sales hereinafter described were made, were employees of H. D. Conkey & Company.

6. During the period from October 1, 1940, to May 22, 1941, the respondent purchased from various code member producers in District No. 10 coal produced by said code members, for resale to said H. D. Conkey & Company, Conco Sand & Gravel, Conco Engineering Works, Conco Press, L. M. Mumford and W. S. Michael and accepted distributor's discounts from the effective minimum prices on said cars of coal, as follows:

Date shipped	Purchased from—	Sold to—	Car No.	Weight in pounds
Oct. 8, 1940	Chgo. Wil. & Franklin	H. D. Conkey & Co.	IC 215806	89,900
Oct. 24, 1940	Chgo. Wil. & Franklin	H. D. Conkey & Co.	IC 83242	100,000
Oct. 30, 1940	United Elec. Coal Co.	Conco Sand & Gravel	MP 72346	102,000
Nov. 6, 1940	Chgo. Wil. & Franklin	Conco Engineering Wks.	Q 165736	104,500
Nov. 14, 1940	Chgo. Wil. & Franklin	Conco Sand & Gravel	IC 216410	93,900
Nov. 20, 1940	Chgo. Wil. & Franklin	Conco Engineering Wks.	IC 85219	105,700
Dec. 4, 1940	Chgo. Wil. & Franklin	Conco Sand & Gravel	Q 773814	83,900
		H. D. Conkey & Co.	Q 88463	53,250
		L. M. Mumford		7,680
		Conco Press		3,240
Feb. 28, 1941	Chgo. Wil. & Franklin	H. D. Conkey & Co.	Q 88500	45,480
		Conco Press		5,420
		W. S. Michael		9,720
		L. M. Mumford		8,260
Mar. 6, 1941	Midvale Coal—McLaren CC.	Conco Sand & Gravel	IC 215257	102,400
Mar. 25, 1941	Midvale Coal—McLaren CC.	Conco Sand & Gravel	IC 90238	102,500
Apr. 8, 1941	Chgo. Wil. & Franklin—Florida	Conco Sand & Gravel	IC 94689	74,100
Apr. 11, 1941	Chgo. Wil. & Franklin—Florida	Conco Sand & Gravel	IC 201067	109,600
Apr. 16, 1941	Reliable C. Co.—F.C. Morgan	Conco Sand & Gravel	IC 83641	94,000
	Reliable C. Co.—F.C. Morgan	Conco Sand & Gravel	IC 214897	98,100
May 12, 1941	Enos Coal Co.—Enos Mine #36	Conco Sand & Gravel	NYC 392259	106,100
May 18, 1941	Enos Coal Co.—Enos Mine #36	Conco Sand & Gravel	NYC 628535	103,800
May 22, 1941	Enos Coal Co.—Enos Mine #36	Conco Sand & Gravel	NYC 602033	90,900
May 22, 1941	Enos Coal Co.—Enos Mine #36	Conco Sand & Gravel	NYC 604454	85,300

7. In accepting and retaining distributor's discounts from the effective minimum prices as set forth in paragraph 6 hereof, the respondent violated the following:

(a) Paragraph (g) of the agreement, in that in said transactions respondent performed no services of value for said code member producers and said transactions were entered into between the respondent as a registered distributor and its vendee primarily for the purpose of unjustly enriching the respondent, and except for the incidence of section 4 II (h) of the Act, the consumers would have purchased said coal direct from said code members.

(b) § 304.19 (c) of the Rules and Regulations for the Registration of Distributors and Paragraph (h) of the Distributor's Agreement, in that in the aforesaid transactions, the respondent accepted discounts from the effective minimum prices on coal purchased by it for resale to a person who owned such distributor or who financially or otherwise controlled such distributor.

(c) Section 4 II (i) 12 of the Act, Rule 12 of section XIII of the Marketing Rules and Regulations and Paragraph (c) and (e) of its Agreement, in that the respondent in such transactions was in fact or in effect an agency or instrumentality of a retailer or industrial consumer in the purchase and sale of such coal.

(d) Paragraph (d) of the Agreement, in that said purchases of coal by respondent were not made for bona fide resale, and Car Q 88463 shipped on December 4, 1940, and Car Q 88500 shipped on February 28, 1941, were resold by respondent in less than railroad carload lots.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on January 22, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 709, U. S. Custom Building, 610 South Canal Street, Chicago, Illinois.

It is further ordered, That W. A. Shipman, or any other officer or officers of the Bituminous Coal Division designated by the Acting Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said

hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent, and that any respondent failing to file an answer within such period, unless the Acting Director or the presiding officer shall otherwise order, shall be deemed to have admitted the said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: December 23, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9708; Filed, December 24, 1941; 11:17 a. m.]

[Docket No. D-6]

IN THE MATTER OF THE APPLICATION OF ST. BERNARD COAL COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO WEST KENTUCKY COAL COMPANY (N. J.) AND PEOPLES COAL COMPANY

#### NOTICE OF AND ORDER FOR HEARING

The St. Bernard Coal Company, a corporation organized under the laws of New Jersey, with its principal offices in Sturgis, Kentucky, being registered with the Division as a distributor, No. 7971, and acting as a sales agent for certain producers, filed its petition praying:

1. That it be determined that the ownership by West Kentucky Coal Company (N. J.) of the stock of St. Bernard Coal Company, and the stock of West Kentucky Coal Company (Del.) and the ownership by West Kentucky Coal Company (Del.) of the stock of Peoples Coal Company, are bona fide, are not established primarily, or otherwise, to secure indirect price reductions and are not within the prohibitions of paragraphs 11 and 12 of section 4 II (i) of the Act.



2. That St. Bernard Coal Company be permitted to accept and retain distributors' discounts on coal purchased and resold by it in carload lots, without physically handling the coal to West Kentucky Coal Company (N. J.) and Peoples Coal Company.

3. That St. Bernard Coal Company be permitted to secure commissions on coal sold by it as sales agents for code member producers to West Kentucky Coal Company (N. J.) and Peoples Coal Company.

4. For such further and alternative relief as may seem just and equitable.

*It is ordered,* That a hearing on such matter be held on February 23, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

*It is further ordered,* That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before February 19, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: December 24, 1941.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9746; Filed, December 26, 1941;  
11:21 a. m.]

No. 251—4

[Docket No. D-7]

IN THE MATTER OF THE APPLICATION OF  
WEST KENTUCKY COAL COMPANY, INC.  
FOR PERMISSION TO RECEIVE SALES  
AGENTS' COMMISSIONS AND DISTRIBUTORS'  
DISCOUNTS ON COAL SOLD TO ST. BERNARD  
COAL COMPANY, PEOPLES COAL COMPANY,  
AND WEST KENTUCKY COAL COMPANY  
(DEL.)

NOTICE OF AND ORDER FOR HEARING

The West Kentucky Coal Company, Inc., a corporation organized under the laws of New Jersey, with its principal offices in Sturgis, Kentucky, being registered with the Division as a distributor, No. 9598, and acting as a sales agent for certain producers, filed its petition praying:

1. That it be determined that St. Bernard Coal Company, Peoples Coal Company, and West Kentucky Coal Company (Del.) do not own, or financially or otherwise control West Kentucky Coal Company, Inc.

2. That it be determined that the ownership by West Kentucky Coal Company, Inc. of the stock in St. Bernard Coal Company and West Kentucky Coal Company (Del.) and the ownership of West Kentucky Coal Company (Del.) of the stock of Peoples Coal Company, are bona fide, are not established primarily, or otherwise, to secure indirect price reductions and are not within the prohibitions of paragraphs 11 and 12 of section 4 II (i) of the Act.

3. That the West Kentucky Coal Company, Inc. be permitted to accept and retain distributors' discounts on coal purchased and resold by it, in carload lots, without physically handling the coal, to St. Bernard Coal Company, Peoples Coal Company, and West Kentucky Coal Company (Del.).

4. That the West Kentucky Coal Company, Inc. be permitted to secure commissions on coal sold by it as sales agent for code member producers to St. Bernard Coal Company, Peoples Coal Company, and West Kentucky Coal Company (Del.).

5. For such further and alternative relief as may seem just and equitable.

*It is ordered,* That a hearing on such matter be held on February 23, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

*It is further ordered,* That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require

the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before February 19, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: December 24, 1941.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9747; Filed, December 26, 1941;  
11:21 a. m.]

[Docket No. 1508-FD]

IN THE MATTER OF THE APPLICATION OF  
INDIANA COALS CORPORATION FOR PRO-  
VISIONAL APPROVAL AS A MARKETING  
AGENCY

MEMORANDUM OPINION AND ORDER

By an Order of May 27, 1941, the Director, pursuant to and in accordance with Section 12 of the Bituminous Coal Act of 1937, provisionally approved Indiana Coals Corporation, the applicant, as a "marketing agency." This Order of approval was subject to certain specified conditions, all of which were designed to ensure that the operations of the applicant would not circumvent the standards of section 12 and the overall objectives of the Act.

On June 26, 1941, the applicant filed a "Motion to Modify and Amend Order of Provisional Approval," requesting the Director to modify and amend his Order of May 27, 1941, by eliminating therefrom conditions numbered 2, 4, 7, 8, 9, and 10, contained therein. On July 11, 1941, the undersigned issued a Memorandum Opinion and Order, denying the applicant's request for modification of the conditions other than Conditions 7 and 8, and effecting changes in Conditions 7 and 8 so as to permit price changes which the applicant seeks to put into effect, after the initial schedule has



become effective, to become immediately effective where the changes effect a decrease in the existing prices; permit the Director to suspend the classifications and prices theretofore made effective, only after a hearing has been held; and provide that any suspension of prices will not affect consummated transactions.

On December 17, 1941, the applicant filed a "Motion to Suspend the Operation of Items 2 and 4 of the Order of Provisional Approval." In support of this motion, the applicant sets forth that it has not organized and functioned as a marketing agency; the subscribers of the applicant have not been satisfied with the form of organization proposed nor with the provisions of the Order of approval of May 27, 1941; subscribers have indicated their desire to consider further the execution of contracts and the function of applicant as a marketing agency in the event that Conditions 2 and 4 are temporarily suspended; the record does not indicate any necessity for the immediate imposition of Conditions 2 and 4; and the applicant would be able to effect contracts with a sufficient production within the State of Indiana to permit the functioning of the marketing agency if Conditions 2 and 4 were temporarily suspended. Together with its motion to suspend the operation of Conditions 2 and 4, the applicant has submitted the affidavit of its assistant secretary who states that he is of the opinion that if Conditions 2 and 4 are temporarily suspended a sufficient number of producers will be favorably inclined to execute contracts.

Conditions 2 and 4 provided in the Order of May 27, 1941, are concerned with sub-agents' commissions and discounts allowed to registered distributors or registered farmers' cooperatives.<sup>1</sup> It does not appear that any immediate harm will result from a brief suspension of those conditions. If, as the applicant asserts, the suspension of Conditions 2 and 4 will enable the applicant to effect contracts covering sufficient tonnage to permit the functioning of the marketing agency, an order effecting such suspension should be entered.

The applicant seeks a six-month suspension. It appears to the undersigned that 90 days is ample time to enable the applicant to obtain sufficient contracts to permit it to operate. Indeed, if by the end of 90 days from the date hereof, which will be almost ten months from

the time provisional approval of the applicant was granted, the applicant has not been organized and is not functioning as a marketing agency, the provisional approval granted the applicant on May 27, 1941, should be revoked.

The applicant further asks that a hearing be ordered after the applicant has functioned for a period of five months to determine the necessity and reasonableness of Conditions 2 and 4 in the light of the evidence of the applicant's activities during said period. I see no necessity for ordering such a hearing at this time. However, the undersigned reserves the right at the end of a 90-day period from the start of the applicant's operating and functioning as a marketing agency, to order the applicant to show cause why the operation of Conditions 2 and 4 should be further suspended. To that end and to the end of imposing any further condition that may be found necessary, jurisdiction is also hereby reserved. In the meantime, the functioning of the applicant will be studied in an effort to determine whether its operation conforms to the statutory requirements.

It is concluded, therefore, that the operation of Conditions 2 and 4 set forth in the Order Granting Provisional Approval herein, dated May 27, 1941, should be suspended for a period of 90 days from the date hereof. The applicant's request for longer suspension should be denied. It is further concluded that, unless the applicant is organized and functioning as a marketing agency within 90 days from the date hereof, the provisional approval granted the applicant by Order of May 27, 1941, should be withdrawn and revoked 90 days from the date hereof. It is further concluded that at the end of a 90-day period from the start of the applicant's operating and functioning as a marketing agency, the undersigned may order the applicant to show cause why the operation of Conditions 2 and 4 should be further suspended.

And it is so ordered.

Dated: December 24, 1941.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9748; Filed, December 26, 1941;  
11:21 a. m.]

[Docket No. 1759-FD]

IN THE MATTER OF MORRIS & CAMPBELL, A  
PARTNERSHIP, DEFENDANT

MEMORANDUM OPINION AND ORDER REOPEN-  
ING THE HEARING

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on May 15, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 11, the complainant, alleging that Morris & Campbell, the defendant had wilfully violated the Bituminous Coal Code or rules and regulations thereunder and the effective minimum prices,

and praying that an order be entered requiring the defendant to cease and desist from such violations.

Pursuant to an Order of the Director and after due notice to interested persons, a hearing in this matter was held before W. A. Shipman, an Examiner of the Division, at Terre Haute, Indiana, at which the complainant and the defendant appeared. The parties waived the preparation and filing of a Report by the Examiner, and the matter was thereupon submitted to the Director who, on October 31, 1941, issued his Findings of Fact, Conclusions of Law and Opinion, and entered an Order revoking and cancelling the defendant's code membership and directing that prior to any reinstatement of the defendant, or any partner therein, to membership in the Code, there shall be paid to the United States a tax in the amount of \$1,213.51, as provided in section 5 (c) of the Act.

On November 24, 1941, District Board 11 filed a petition to vacate the Order of the Director of October 31, 1941, for a reconsideration of the matter, and requesting that a cease and desist order be issued in lieu of the order of revocation and cancellation of code membership. A Statement of Facts and Memorandum in support of this motion was filed on December 3, 1941. On December 4, 1941, an Order was entered denying the petition and suggesting that at the request of any party an opportunity might be afforded the parties to introduce additional evidence, either concerning the violations of the defendant or relevant to the penalties attendant thereon, to show why the Order of the Director of October 31, 1941, should be vacated.

On December 13, 1941, District Board 11 filed a motion requesting (1) that the record be reopened for the purpose of receiving as a part of the record the Statement of Facts and Memorandum heretofore filed by District Board 11 in support of its motion to vacate the Order of October 31, 1941, and to receive an affidavit of Moss Morris, partner of the defendant, attached to the motion, and upon the basis of said statement and affidavit to vacate retroactively the Order revoking and cancelling the defendant's code membership and in lieu thereof issue a cease and desist order; or, (2), reopen the hearing.

Upon a consideration of said motion it appears to the undersigned that the request to reopen the hearing should be granted in order to afford the parties an opportunity to introduce additional evidence herein, either concerning the violations of the defendant or relevant to penalties attendant thereon and to show why the Order of the Director of October 31, 1941, should be vacated.

The motion to vacate the Order of October 31, 1941, pending a decision on the record as supplemented by evidence adduced at the reopened hearing will not be granted. However, the undersigned

<sup>1</sup>Condition 2 provides: 2. The amount of commissions to be paid to a sub-agent under the sub-agency contract submitted for approval shall not exceed (1) the amount now paid to such sub-agent under its sales agency contract made directly with the producer; and (2) shall in no event exceed 10% of the sale price.

Condition 4 provides: 4. The form of marketing agency agreements should be modified so as to provide specifically that discounts allowed to registered distributors or to registered farmers' cooperatives shall come out of the sub-agent's commission.



will suspend, effective as of October 31, 1941, the Order of October 31, 1941, revoking defendant's code membership. This suspension is without prejudice to the right to reinstate the effectiveness of the Order as of October 31, 1941, if upon the record as supplemented by the testimony taken at the reopened hearing, it is concluded that the initial order was proper.

*It is therefore ordered*, That complainant's motion to vacate the Order of October 31, 1941, entered herein, revoking defendant's code membership, be and the same is hereby denied.

*It is further ordered*, That said Order of October 31, 1941, revoking defendant's code membership be and it hereby is suspended as of October 31, 1941, without prejudice to the right of reinstatement; and

*It is further ordered*, That the motion to reopen the hearing be and the same hereby is granted and that the hearing be and the same hereby is reopened for the purpose of taking additional evidence, adduced by any party to this proceeding, concerning the violations of the defendant or relevant to the penalties attendant thereon, and to show why the Order of the Director of October 31, 1941, should, or should not, be vacated; and

*It is further ordered*, That such hearing be held on January 13, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at the Post Office Building, Terre Haute, Indiana; and

*It is further ordered*, That the Examiner shall have such power and authority as was conferred upon him by the original Notice of and Order for Hearing in this matter dated July 28, 1941.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9749; Filed, December 26, 1941;  
11:21 a. m.]

#### APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Acting Director:

Name and Address	Date application Filed
H. P. McNeer, Receiver, Standard Banner Coal Corp., Wakenva, Va.	Dec. 15, 1941
F. H. Stineman, F. H. Stineman Coal Co., South Fork, Pa.	Dec. 18, 1941
Valley Coal Co., Market St., Leechburg, Pa.	Dec. 17, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Divi-

sion on or before January 26, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-9750; Filed, December 26, 1941;  
11:22 a. m.]

#### DEPARTMENT OF LABOR.

##### Wage and Hour Division.

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 26, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

G. F. Gosselin and Sons, 879 Juno Street, St. Paul, Minnesota; Shoes; 3 learners; 8 weeks for any one learner; 30 cents per hour; Hand Moccasin Sewer; March 2, 1942. (This certificate effective 12-22-41 and omitted from Register of that date.)

Murray Printing Company, Newnan, Georgia; Converted Paper Products; 1 learner; 4 weeks for any one learner; 30 cents per hour; Box maker; February 5, 1942.

Paris Shoe Shop, 342 W. Main Street, Spokane, Washington; Shoes; 1 learner; 12 weeks for any one learner; 30 cents per hour; Shoe maker, repairer and re-builder; April 13, 1942. (This certificate effective 12-22-41 and omitted from FEDERAL REGISTER of that date.)

Signed at Washington, D. C., this 24th day of December 1941.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 41-9720; Filed, December 24, 1941;  
11:40 a. m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3933).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 26, 1941. The Certificates may be cancelled in the manner provided in the regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

##### Apparel

Arkay Pants Company, 110 Chace Street, Fall River, Massachusetts; Boys' Mackinaws, Suits, Snow Suits; 5 percent (T); December 26, 1942.

Single Pants, Shirts, and Allied Garments and Women's Apparel

Archbald Sewing Company, 140 Cherry Street, Archbald, Pennsylvania; Children's Dresses; 10 learners (T); December 26, 1942.



Forest City Dress Company, 354 Main Street, Forest City, Pennsylvania; Dresses; 10 learners (T); December 26, 1942.

Grinnell Pajama Corporation, Kilburn Street, New Bedford, Massachusetts; Nightgowns, Pajamas, Sleepers; 10 percent (T); December 26, 1942.

Jay Dress Company, 701 17th Avenue, Belmar, New Jersey; Dresses; 10 learners (T); December 26, 1942.

Lackawanna Pants Manufacturing Company, Cedar Avenue and Brook Street, Scranton, Pennsylvania; Sport Shirts and Single Pants; 25 learners (E); June 26, 1942. (This certificate is restricted to the employment of learners on commercial work only.)

Lansdale Shirt Factory, 526 N. Broad Street, Lansdale, Pennsylvania; Men's Shirts; 10 learners (T); December 26, 1942.

Malden Form Brassiere Company, Inc., Rector and Fayette Street, Perth Amboy, New Jersey; Brassieres and Corsets; 50 learners (E); June 26, 1942.

S and S Clothing Corporation, 44 Lehigh Street, Wilkes-Barre, Pennsylvania; Boys' Trousers and Overalls; 10 learners (T); December 26, 1942.

South Jersey Manufacturing Company, Rear Pine Street, Millville, New Jersey; Ladies' Blouses and Dresses; 5 learners (T); December 26, 1942.

Isadore Spivak and Company, S. E. Corner Broad and Carpenter Streets, Philadelphia, Pennsylvania; Men's Pants; 8 learners (T); December 26, 1942.

Standard Garment Company, Inc., Bridal Avenue, West Warwick, Rhode Island; Ladies' Underwear; 10 percent (T); December 26, 1942.

#### Gloves

The Trion Company, Trion, Georgia; Work Gloves; 5 percent (T); December 26, 1942.

#### Hosiery

Infants Socks, Inc., Eufaula, Alabama; Seamless Hosiery; 15 learners (E); August 26, 1942.

James Knitting Mills Company, 25th Street, Hickory, North Carolina; Seamless Hosiery; 5 learners (T); December 26, 1942.

#### Knitted Wear

Clifton Underwear Mills, Inc., 173 Beechwood Avenue, New Rochelle, New York; Knitted Underwear; 45 learners (E); June 15, 1942. (This certificate effective 12-22-41 and omitted from FEDERAL REGISTER of that date.)

Roper Knitting Company, Inc., 343 North Main Street, Canandaigua, New York; Sweaters, Swim Suits; 5 learners (T); December 26, 1942.

#### Textile

A. D. Juilliard and Company, Inc., Aragon Mills Division, Aragon, Georgia; Cotton Woven Fabrics; 15 learners (T); December 26, 1942.

Mid-Western Rayon and Dyeing Company, Inc., 1300 S. Indiana Avenue, Chicago, Illinois; Rayon Yarns; 2 learners (T); December 26, 1942.

Phoenix Hosiery Company, 320 E. Buffalo Street, Milwaukee, Wisconsin; Processing Silk and other yarns; 10 percent (T); December 26, 1942.

The Unaka Bedspread Company, Inc., 118 Legion Street, Johnson City, Tennessee; Chenille Bedspreads; 25 learners (E); June 26, 1942.

Signed at Washington, D. C., this 24th day of December 1941.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 41-9721; Filed, December 24, 1941; 11:40 a. m.]

[Administrative Order No. 135]

#### RESIGNATION AND REPLACEMENT OF CHAIRMAN AND NOTICE OF CHANGE OF DATE OF CONVENING OF INDUSTRY COMMITTEE FOR THE RAILROAD AND PROPERTY CARRIER INDUSTRY OF PUERTO RICO

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, Baird Snyder, Acting Administrator of the Wage and Hour Division, Department of Labor:

(1) hereby accept the resignation of Mr. William Homer Spencer as Chairman of the Industry Committee for the Railroad and Property Carrier Industry of Puerto Rico, and appoint Mr. Arthur F. Raper, of Greensboro, Georgia, in his stead as Chairman of such committee; and

(2) hereby postpone the date of the convening of the Industry Committee for the Railroad and Property Carrier Industry of Puerto Rico from January 7, 1942, to January 8, 1942, at 9:30 A. M. The public hearing for the purpose of receiving evidence to be considered by this committee in recommending minimum wage rates consequently will also be postponed to January 8, 1942.

Signed at Washington, D. C., this 24th day of December 1941.

BAIRD SNYDER,  
Acting Administrator.

[F. R. Doc. 41-9753; Filed, December 26, 1941; 11:49 a. m.]

#### NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 37 FOR THE CIGAR INDUSTRY; TO BE HELD JANUARY 13, 1942 AT WASHINGTON, D. C.

Whereas the Administrator of the Wage and Hour Division, United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on November 21, 1941, by Administrative Order No. 131, appointed Industry Committee No. 37 for the Cigar

Industry, composed of an equal number of representatives of the public, employers in the industry, and employees in the industry, selected with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 37, on December 10, 1941, recommended minimum wage rates for the Cigar Industry and duly adopted a report containing said recommendations and on December 12, 1941, filed its report with the Administrator in accordance with section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after giving due notice and an opportunity to be heard to interested persons, to approve and carry into effect by order the recommendations of Industry Committee No. 37 if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the hearing before him and, taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of the Act; and, if he finds otherwise, to disapprove such recommendations;

Now, therefore, notice is hereby given:

I. Industry Committee No. 37 for the Cigar Industry has made the following separable recommendations for minimum wages to be paid employees in the industry:

(a) 35 cents to be paid for: the preparation (as defined by Administrative Order No. 131) or marketing (including wholesaling) of cigar types of leaf tobacco (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the scrap tobacco therefrom for use in the manufacture of cigars and other tobacco products.

(b) 40 cents to be paid for: the manufacture of cigars (as defined in Administrative Order No. 131) from any types of tobacco.

II. The definition of the Cigar Industry, as set forth in Administrative Order No. 131 is as follows:

For the purpose of this order the term "cigar industry" means the manufacture of cigars, from any types of tobacco; and the preparation or marketing (including wholesaling) of cigar types of leaf tobacco (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the scrap tobacco therefrom for use in the manufacture of cigars and other tobacco products.

(a) The term "cigar" wherever used in this definition comprehends all types of cigars, including cheroots, stogies, and little cigars.

(b) The manufacture of cigars from noncigar types of leaf tobacco and the



scrap tobacco therefrom includes the preliminary processing of such tobacco which is performed in the manufacturing plant as an integral part of the manufacturing operation.

(c) The term "preparation" as used herein includes all operations involved in making cigar leaf tobacco and scrap tobacco therefrom suitable for use in the manufacture of cigars, whether performed by employees of warehousemen, manufacturers, leaf dealers, or others. It includes, but not by way of limitation, the operations of grading, sorting, packing, sweating, fermenting, stemming, and conditioning. It does not include, however, such preliminary processing of cigar types of tobacco or scrap tobacco therefrom as is performed in a manufacturing plant as an integral part of the manufacturing operations attending the production of tobacco products other than cigars, nor does it include operations performed by a farmer or on a farm as an incident to or in conjunction with farming operations.

The definition of the cigar industry covers all occupations in the industry which are necessary to the production of cigars or to the preparation or marketing of cigar types of tobacco and scrap tobacco therefrom, including clerical, maintenance, and selling occupations: *Provided, however*, That this definition does not include employees of an independent wholesaler or manufacturer who are engaged in marketing and distributing the manufactured products of the industry which have been purchased by said wholesaler or manufacturer for resale and who perform no functions other than those relating to marketing and distributing. Where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the Report and Recommendation of Industry Committee No. 37 are and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the Wage and Hour Division, United States Department of Labor:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, 341 Ninth Avenue.

Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building.

Richmond, Virginia, 215 Richmond Trust Building.

Baltimore, Maryland, 201 North Calvert Street.

Raleigh, North Carolina, North Carolina State Department of Labor.

Atlanta, Georgia, 5th Floor, Witt Building, 249 Peachtree Street NE.

Columbia, South Carolina, Federal Land Bank Building.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 404 Deposit Guaranty Bank Building.

Nashville, Tennessee, 509 Medical Arts Building.

Cleveland, Ohio, Main Post Office, West Third and Prospect Avenue.

Cincinnati, Ohio, 1312 Traction Building.

Detroit, Michigan, 348 Federal Building.

Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th and Walnut Streets.

St. Louis, Missouri, 100 Old Federal Building.

Denver, Colorado, 300 Chamber of Commerce Building.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, 500 Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building.

San Juan, Puerto Rico, Post Office Box 112.

Washington, District of Columbia, Department of Labor, 4th Floor.

Copies of the Committee's report and recommendations, and of dissenting statements filed by members of the Committee, are available for inspection at, and may be obtained by writing to, the office of the Wage and Hour Division, United States Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendation of Industry Committee No. 37 shall be approved or disapproved pursuant to section 8 of the Act will be held on January 13, 1942, at 10:00 a. m. in Room 3229 of the United States Department of Labor Building, Washington, D. C., before Major Robert N. Campbell, as Presiding Officer.

V. Any interested person supporting or opposing the recommendations of Industry Committee No. 37 may appear at the hearing to offer evidence either on his own behalf or on behalf of any other person if not later than January 7, 1942, he files with the Administrator, by mail or otherwise, at Washington, D. C., a notice of his intent to appear, which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons he is representing.

3. Whether such person proposes to appear for or against the recommendations of the Committee.

4. The approximate length of time requested for his presentation.

VI. Any interested person may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator, who will be available for that purpose at the office of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following document relating to the Cigar Industry will be available for inspection by any interested person who intends to appear at the aforesaid hearing:

U. S. Department of Labor, Wage and Hour Division, Research and Statistics Branch, The Cigar Industry, November 1941.

VIII. The hearing will be conducted in accordance with the following rules of procedure subject to such subsequent modification by the Administrator or the Presiding Officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request, addressed to the Administrator, Wage and Hour Division, Department of Labor, Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable no-



tice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding officer.

Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearings, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the *FEDERAL REGISTER*.

Signed at Washington, D. C., this 19th day of December, 1941.

BAIRD SNYDER,  
Acting Administrator.

[F. R. Doc. 41-9754; Filed, December 26, 1941; 11:49 a. m.]

**NOTICE OF HEARING ON MINIMUM WAGE  
RECOMMENDATION OF INDUSTRY COMMITTEE  
NO. 38 FOR THE TOBACCO INDUSTRY;  
TO BE HELD JANUARY 19, 1942**

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on December 3, 1941, by Administrative Order No. 132, appointed Industry Committee No. 38 for the Tobacco Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 38, on December 16, 1941, recommended a minimum wage rate for the Tobacco Industry and duly adopted a report con-

taining such recommendation and reasons therefor and filled such report with the Administrator on December 17, 1941, pursuant to section 8 (d) of the Act and § 511.19 of the Regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 38 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, Therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 38 is as follows:

Every employer shall pay not less than the following rate per hour to each of his employees who shall be engaged in commerce or in the production of goods for commerce in the Tobacco Industry as defined by Administrative Order No. 132, dated December 3, 1941:

a. 40 cents to be paid for: the manufacture of cigarettes, snuff, chewing tobacco, and smoking tobacco from any types of tobacco.

b. 40 cents to be paid for: the preparation (as defined by Administrative Order No. 132) or marketing (including wholesaling) of non-cigar types of leaf tobacco (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the scrap tobacco therefrom for use in the manufacture of tobacco products including cigars.

II. The definition of the Tobacco Industry as set forth in Administrative Order No. 132, issued December 3, 1941, is as follows:

For the purpose of this order the term "tobacco industry" means the manufacture of cigarettes, snuff, chewing tobacco, and smoking tobacco from any types of tobacco; and the preparation or marketing (including wholesaling) of non-cigar types of leaf tobacco (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the scrap tobacco therefrom for use in the manufacture of tobacco products, including cigars.

(a) The term "cigar" wherever used in this definition comprehends all types of cigars including cheroots, stogies, and little cigars.

(b) The manufacture of cigarettes, snuff, chewing tobacco, and smoking tobacco from cigar types of leaf tobacco and scrap tobacco therefrom includes the preliminary processing of such tobacco which is performed at the man-



ufacturing plant as an integral part of the manufacturing operation.

(c) The term "preparation" as used herein includes all operations involved in making *non-cigar* leaf tobacco and the scrap tobacco therefrom suitable for sale or for use in the manufacture of all types of tobacco products including cigars whether performed by employees of warehousemen, manufacturers, leaf dealers, or others. It does not include sales operations that are customarily performed on the sales floor of loose leaf tobacco auction warehouses or the direct loading of tobacco off the floor of such warehouses for shipment. It includes the production of Black Fat, Water Baler, and Dark African. It includes, but not by way of limitation, the operations of grading, sorting, conditioning, redrying, stemming, packing and storing. It does not include, however, such preliminary processing of *non-cigar* types of tobacco and scrap tobacco therefrom as is performed in the manufacturing plant as an integral part of the manufacturing operations attending the production of cigars; nor does it include operations performed by a farmer or on a farm as an incident to or in conjunction with farming operations.

The definition of the tobacco industry covers all occupations in the industry which are necessary to the production of the articles enumerated in the definition or to the preparation or marketing of *non-cigar* types of leaf tobacco and scrap tobacco therefrom, including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That this definition does not include employees of an independent wholesaler or manufacturer who are engaged in marketing and distributing the manufactured products of the industry which have been purchased by said wholesaler or manufacturer for resale and who perform no functions other than those relating to marketing and distributing. Where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 38, together with any dissenting statements which may be filed by a member subsequent to the date of this notice, are and will be available for inspection by any person between the hours of 9:00 A. M. and 4:30 P. M. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, 341 Ninth Avenue.

Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut & Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 201 North Calvert Street.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton & Marion Streets.

Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street, N. E.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1908 Comer Building, 2nd Avenue & 21st Street.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.

Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, N.

Cleveland, Ohio, Main Post Office, W. 3rd and Prospect Avenue.

Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.

Detroit, Michigan, 348 Federal Building.

Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th & Walnut Streets.

St. Louis, Missouri, 100 Old Federal Building.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building, 3d Avenue and Union Street.

San Juan, Puerto Rico, Post Office Box 112.

Washington, District of Columbia, Department of Labor, 4th Floor.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing will be held on January 19, 1941, before Major Robert N. Campbell, Presiding Officer, at 10:00 A. M. in Room 3229 of the United States Department of Labor Building at Washington, D. C., for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 38 shall be approved or disapproved.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 38, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person: *Provided,* That not later than January 13, 1941, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 38.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 38 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following document relating to the Tobacco Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, *The Tobacco Industry*, prepared by the Research and Statistics Branch, Wage and Hour Division, U. S. Department of Labor, December 1941.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate:

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, Department of Labor, Washington, D. C.
2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.



3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an

amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion or evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 23 day of December 1941.

BAIRD SNYDER,  
Acting Administrator.

[F. R. Doc. 41-9755; Filed, December 26, 1941; 11:49 a. m.]

IN THE MATTER OF DETERMINATION THAT THE FLAT WAREHOUSING OF GRAIN INCLUDING RICE IN THE STATES OF CALIFORNIA, WASHINGTON, OREGON, AND IDAHO IS OF A SEASONAL NATURE PURSUANT TO SECTION 7 (b) (3) OF THE FAIR LABOR STANDARDS ACT OF 1938 AND PART 526 AS AMENDED OF THE REGULATIONS ISSUED THEREUNDER

Whereas application has been made by the California Warehousemen's Association under section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Regulations, Part 526, as amended, issued thereunder for exemption of the flat warehousing of grain and the storage of other agricultural commodities from the maximum hours provision of said Act; and

Whereas a public hearing on said application was held before Harold Stein, duly authorized representative of the Administrator of the Wage and Hour Division on June 2, 1941, at San Francisco, California; and

Whereas following such hearing the said representative made his findings of fact dated September 23, 1941, and determined as follows:

1. A large proportion of the grain stored in the states of Washington, Oregon, Idaho and California, including rough or "paddy" rice in California, is stored in sacks in "flat" warehouses.

2. The flat warehousing of grain is distinguishable from the storing of grain in bulk by its geographical concentration and by differences in physical facilities and operating techniques and may be considered as a separable branch of the grain storing industry.

3. Such flat warehouses receive for storing 50 percent or more of their annual volume of grain in a period or periods aggregating 14 workweeks.

4. The flat warehousing of grain including rice in the states of California, Washington, Oregon and Idaho is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and of Part 526 of the regulations issued thereunder.

Whereas said Findings and Determinations were duly filed with the Administrator and were on record in his office in the Department of Labor Building, Washington, D. C.; and

Whereas on October 14, 1941, the Administrator caused to be published in the FEDERAL REGISTER a Notice of Opportunity, pursuant to the provisions of § 526.7 of the aforesaid regulations, for any person aggrieved by said determination to file a petition with the Administrator requesting a review of the Findings and Determination of the said representative upon the record of the hearing before such representative; and

Whereas petitions for review have been filed by the California Industrial Union Council, the International Longshore-



men's and Warehousemen's Union, Local 17 (C. I. O.) and the General Teamsters' and Warehousemen's Union No. 137 (A. F. of L.); and

Whereas I have considered the issues raised by the said petitions; and

Whereas said Findings and Determination are found to be in accordance with the testimony and briefs submitted at said hearing;

Now, therefore, said petitions for review are accordingly denied, and, pursuant to the provisions of § 526.7 of the regulations, the exemption provided by section 7 (b) (3) of the Fair Labor Standards Act of 1938 will become effective on the date that this notice is published in the FEDERAL REGISTER. The exemption shall be applicable only as specified by the aforesaid Findings and Determinations.

Signed at Washington, D. C., this 17th day of December 1941.

BAIRD SNYDER,  
Acting Administrator.

[F. R. Doc. 41-9756; Filed, December 26, 1941;  
11:51 a. m.]

#### FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6206]

IN RE APPLICATION OF THE CROSLY CORP. (W8XO)

##### AMENDED NOTICE REGARDING HEARING

Application dated August 15, 1941, for construction permit; class of service, developmental broadcast; class of station, developmental broadcast; location, Cincinnati, Ohio; operating assignment specified: Frequency, 700 kc.; emission A-3; power, 100 to 750 kw.; hours of operation, 12 midnight to 6 a. m., E. S. T. and sec. 4.4 (a).

Upon further examination of the above described application the Commission has amended the issues on which the hearing will be based as shown below. The hearing date will remain as scheduled, January 8, 1942.

1. To determine whether the proposed program of research has reasonable promise of substantial contribution to the development of broadcasting or is along lines not already thoroughly investigated.

2. To determine whether the proposed program of research could be conducted by the applicant utilizing the present operating assignment of Station W8XO.

3. To determine the nature, extent, and character of any interference which would be caused to the established service of Station WOR by the granting of the above-entitled application.

4. To determine whether the continued operation of Station W8XO with its present authorized power or with the power applied for, would be in the public interest, particularly in view of the provisions of Senate Resolution 294 (June 13, 1938, 75th Congress).

No. 251—5

5. To determine whether the public interest would be served through the continued operation of Station W8XO.

6. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served by the granting of this application.

Dated at Washington, D. C., December 23, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 41-9741; Filed, December 26, 1941;  
11:03 a. m.]

#### FEDERAL TRADE COMMISSION.

[Docket No. 4305]

IN THE MATTER OF A. & M. KARAGHEUSIAN, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

*It is ordered*, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, January 14, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time), in the Hotel St. George, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

JOE L. EVINS,  
Acting Secretary.

[F. R. Doc. 41-9743; Filed, December 26, 1941;  
11:11 a. m.]

[Docket No. 4611]

IN THE MATTER OF FOLDING FURNITURE WORKS, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

*It is ordered*, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, January 14, 1942, at one o'clock in the afternoon of that day (Central Standard Time), in Room 216, Post Office Building, Indianapolis, Indiana.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

JOE L. EVINS,  
Acting Secretary.

[F. R. Doc. 41-9744; Filed, December 26, 1941;  
11:11 a. m.]

[Docket No. 4621]

IN THE MATTER OF ASSOCIATED MOTOR OILS, INC., ALSO TRADING AS ASSOCIATED PRODUCTS COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of December, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

*It is ordered*, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, January 5, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Hearing Room, Post Office Building, State College, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

JOE L. EVINS,  
Acting Secretary.

[F. R. Doc. 41-9745; Filed, December 26, 1941;  
11:11 a. m.]



## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-432]

## IN THE MATTER OF WISCONSIN MICHIGAN POWER COMPANY, AND WISCONSIN ELECTRIC POWER COMPANY

## ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE PURSUANT TO SECTIONS 6 (b) AND 10

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of December, A. D. 1941.

Wisconsin Michigan Power Company and Wisconsin Electric Power Company, the former company a direct and the latter company an indirect subsidiary company of The North American Company, a registered holding company, having filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935 regarding the following:

(1) The issue and sale by Wisconsin Michigan Power Company, at par, to Wisconsin Electric Power Company for cash from time to time during the period ending December 31, 1942, 50,000 additional shares of its common stock having an aggregate par value of \$1,000,000;

(2) The issue and sale by Wisconsin Michigan Power Company to certain purchasing banks, at the principal amount, unsecured promissory notes in the aggregate principal amount of \$1,000,000, bearing interest at the rate of 2¼% per annum, and maturing in installments of \$200,000 on the anniversary date thereof in each of the years 1944 to 1948, both inclusive; and

(3) The acquisition by Wisconsin Electric Power Company, for cash, when and as issued and delivered during the period ending December 31, 1942, of 50,000 shares of additional common stock having an aggregate par value of \$1,000,000 of Wisconsin Michigan Power Company; and

Said application and declaration having been filed on November 8, 1941 and amendments thereto having been filed on November 22, 1941 and December 4, 1941, and notice of the filing of said application and declaration having been duly given;

A public hearing having been held after appropriate notice and the Commission having considered the record in this matter and issued its findings and opinion herein;

*It is ordered*, Subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be and the same hereby is granted and that the aforesaid declaration, as amended, be and the same hereby is permitted to become effective forthwith: *Provided, however*, And on condition that Wisconsin Electric Power Company shall notify the Commission thirty days before it declares any cash dividend on its common stock, such notice to include the amount of the proposed dividend, its declaration, record, and payment date, an estimate of cash receipts and disburse-

ments for the calendar year in which the dividend is proposed to be declared and the immediately following calendar year, and the most recent available balance sheet, whether or not said balance sheet is audited.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-9722; Filed, December 24, 1941;  
11:41 a. m.]

[File No. 70-409]

## IN THE MATTER OF IOWA PUBLIC SERVICE COMPANY

## ORDER GRANTING APPLICATION PURSUANT TO SECTION 10

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of December, A. D. 1941.

Iowa Public Service Company, a subsidiary of Sioux City Gas and Electric Company which is a registered holding company, having filed an application under Section 10 of the Public Utility Holding Company Act of 1935 regarding the acquisition of substantially all of the assets of LeMars Gas Company and Independence Gas Company, subsidiaries of Great Lakes Utilities Company which is a registered holding company, including the gas plant and gas distribution system located at Independence, Iowa, and the natural gas distribution system located at LeMars, Iowa, for \$125,000 cash and the assumption of all of the liabilities of the vendor companies (except liabilities owing to affiliates of the vendors); and

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

*It is ordered*, That, subject to the terms and conditions prescribed in Rule U-24, said application, as amended, be and hereby is granted forthwith.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-9723; Filed, December 24, 1941;  
11:41 a. m.]

[File No. 70-359]

## IN THE MATTER OF GREAT LAKES UTILITIES COMPANY, LE MARS GAS COMPANY, AND INDEPENDENCE GAS COMPANY

## ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of December, A. D. 1941

Great Lakes Utilities Company, Le Mars Gas Company, and Independence Gas Company having filed a declaration and amendments thereto, pursuant to section 12 (d) of the Public Utility

Holding Company Act of 1935 and Rule U-44 promulgated thereunder concerning the sale of substantially all of the assets of Le Mars Gas Company and Independence Gas Company; and

A public hearing having been duly held after appropriate notice and the Commission having considered the record in this matter and having made and filed its findings and opinion herein;

*It is ordered*, That said declaration, as amended, be and it hereby is permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-9724; Filed, December 24, 1941;  
11:41 a. m.]

[File Nos. 7-615 to 7-639, inclusive]

IN THE MATTER OF APPLICATIONS BY THE PITTSBURGH STOCK EXCHANGE FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES TO: AMERICAN TELEPHONE & TELEGRAPH COMPANY \$100 PAR VALUE CAPITAL STOCK; AVIATION CORPORATION \$3 PAR VALUE CAPITAL STOCK; BOEING AIRPLANE COMPANY \$5 PAR VALUE COMMON STOCK; CONSOLIDATED OIL CORPORATION COMMON STOCK, NO PAR VALUE; CONTINENTAL MOTORS CORPORATION \$1 PAR VALUE COMMON STOCK; GIMBEL BROTHERS, INC., COMMON STOCK, NO PAR VALUE; GOODYEAR TIRE & RUBBER COMPANY COMMON STOCK, NO PAR VALUE; INTERLAKE IRON CORPORATION COMMON STOCK, NO PAR VALUE; INTERNATIONAL NICKEL COMPANY OF CANADA, LTD., COMMON STOCK, NO PAR VALUE; INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION COMMON STOCK, NO PAR VALUE; LOEW'S, INC., COMMON STOCK, NO PAR VALUE; NATIONAL BISCUIT COMPANY \$10 PAR VALUE COMMON; NATIONAL DAIRY PRODUCTS CORPORATION COMMON STOCK, NO PAR VALUE; NORTH AMERICAN COMPANY \$10 PAR VALUE COMMON STOCK; NORTHERN PACIFIC RAILWAY COMPANY \$100 PAR VALUE CAPITAL STOCK; PEPSI COLA COMPANY \$1 PAR VALUE COMMON STOCK; PRESSED STEEL CAR COMPANY, INC., \$1 PAR VALUE COMMON STOCK; SEARS, ROEBUCK & COMPANY CAPITAL STOCK, NO PAR VALUE; SOUTHERN PACIFIC COMPANY COMMON STOCK, NO PAR VALUE; SOUTHERN RAILWAY COMPANY COMMON STOCK, NO PAR VALUE; STANDARD BRANDS, INC., COMMON STOCK, NO PAR VALUE; STUDEBAKER CORPORATION \$1 PAR VALUE COMMON STOCK; TIMKEN DETROIT AXLE COMPANY \$10 PAR VALUE COMMON STOCK; WALWORTH COMPANY COMMON STOCK, NO PAR VALUE; AND F. W. WOOLWORTH COMPANY \$10 PAR VALUE CAPITAL STOCK

## ORDER SETTING HEARING ON APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES TO TWENTY-FIVE (25) SECURITIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, A. D. 1941.



The Pittsburgh Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard:

*It is ordered*, That the matter be set down for hearing at 10 a. m. on Tuesday, January 27, 1942, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-9725; Filed, December 24, 1941;  
11:41 a. m.]

[File Nos. 70-254, 70-267, 70-292]

IN THE MATTER OF CENTRAL STATES POWER  
& LIGHT CORPORATION

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, A. D. 1941.

The Commission having permitted to become effective a declaration by Central States Power & Light Corporation, a registered holding company in the Ogden Corporation holding company system, concerning the application of approximately \$5,300,000 derived by declarant from the sale of certain of its assets to the acquisition of a portion of its First Mortgage and First Lien Gold Bonds, 5½% Series, due January 1, 1953, pursuant to the solicitation of tenders at 100 and accrued interest; and

The time within which such bonds could be tendered, in accordance with the Commission's order as modified, having expired on October 31, 1941; and

Declarant having filed an amendment herein stating that, of the proceeds derived from the sale of its properties as aforesaid, \$2,835,015 still remains available for the purchase of such bonds and requesting that it be permitted again to solicit tenders of its First Mortgage Bonds

at 100 and accrued interest, the period within which such tenders may be accepted to terminate January 31, 1942; and declarant having filed, as Exhibit A to such request, a proposed letter of solicitation; and

It appearing to the Commission that said letter of solicitation, as amended, is adequate and that declarant's request for permission to solicit tenders as hereinbefore described should be granted;

*It is ordered*, That declarant's request be granted, subject, however, to the following terms and conditions:

1. The terms and conditions set forth in Rule U-24, and the requirements as to post-amendments and supplementary solicitations set forth in paragraphs (d) and (f) of Rule U-62, which requirement as to post-amendments shall be deemed applicable in the event that any person shall be directly or indirectly employed to solicit tenders by direct contact with the holders of bonds.

2. That within ten (10) days after the consummation of the proposed transaction the declarant file with the Commission, a statement showing the names and addresses of the holders of bonds who tendered their bonds and the principal amount of bonds tendered by each.

3. That no bonds directly or indirectly owned or controlled by any affiliate of the declarant or by any officer or director of the declarant or of any such affiliate shall be purchased.

4. That no fees incurred in connection with the resumption of the solicitation of tenders as herein proposed be paid until the same have been approved by further order of this Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-9726; Filed, December 24, 1941;  
11:41 a. m.]

[File No. 812-211]

IN THE MATTER OF NATIONAL UNION MORT-  
GAGE CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of December, A. D. 1941.

An application having been duly filed on October 2, 1941, by the above named applicant under and pursuant to the provisions of sections 6 (c), 17 (e) (2) and 23 (c) (3) of the Investment Company Act of 1940 for (1) an order under section 6 (c) or section 17 (e) (2) of exemption from the provisions of section 17 (e) (2) so as to permit the payment by applicant to Mackubin, Legg & Company, an affiliated person of applicant, of a brokerage commission of 1% of the principal amount of securities purchased or sold as collateral security for applicant's outstanding Collateral Trust Bonds, Series "A"; (2) an order under section

6 (c) or section 17 (e) (2) and under section 23 (c) (3) of exemption from the provisions of sections 17 (e) (2) and 23 (c) (3) and Rule N-23C-1 so as to permit the payment by applicant to Mackubin, Legg & Company of a brokerage commission of 1% of the principal amount of applicant's own outstanding Collateral Trust Bonds, Series "A" repurchased by applicant through Mackubin, Legg & Company, such orders to take retroactive effect from November 1, 1940 and to include commissions of 1% of the principal amount of applicant's Collateral Trust Bonds, Series "B" repurchased prior to the redemption of that series on July 1, 1941; and (3) an order under section 23 (c) (3) to permit generally the repurchase of applicant's own outstanding Collateral Trust Bonds, Series "A" in amounts exceeding the 1% per month limitation contained in Rule N-23C-1, and to permit specifically the purchase by applicant from the United States Fidelity and Guaranty Company of Baltimore, Maryland of \$401,500 principal amount of applicant's outstanding Collateral Trust Bonds, Series "A";

*It is ordered*, That a hearing on this application be held on December 29, 1941, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue Northwest, Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

*It is further ordered*, That William W. Swift, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-9757; Filed, December 26, 1941;  
11:52 a. m.]

[File No. 811-149]

IN THE MATTER OF CAMBRIDGE INVESTMENT  
CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of December, A. D. 1941.

An application having been filed by the above named applicant under section 8 (f) of the Investment Company Act of



1940 for an order declaring that it has ceased to be an investment company within the meaning of said Act;

*It is ordered*, That a hearing on the aforesaid application be held on January 6, 1942 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held;

*It is further ordered*, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-9758; Filed, December 26, 1941;  
11:52 a. m.]

[File No. 70-447]

IN THE MATTER OF PANHANDLE EASTERN  
PIPE LINE COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of December, A. D. 1941.

A declaration or application (or both) having been filed with this Commission by the above-named party pursuant to the Public Utility Holding Company Act of 1935 and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise provided by Rule U-23 under said Act; and

The said declaration or application being concerned with the following:

Panhandle Eastern Pipe Line Company, hereinafter called "Panhandle," a subsidiary company of both Columbia Gas & Electric Corporation, a registered holding company, and Columbia Oil & Gasoline Corporation, which is also a subsidiary of Columbia Gas & Electric Corporation, proposes to alter the basis upon which participating dividends on its Class A Preferred Stock, the entire issue consisting of 100,000 shares being owned by Columbia Oil & Gasoline Corporation, will be declared and paid during the year 1941.

Pursuant to the Certificate of Incorporation of Panhandle, as amended, such Class A Preferred Stock is entitled to receive in any one calendar year participat-

ing dividends after \$1.50 per share shall have been paid on each share of common stock of Panhandle during such calendar year.

On September 29, 1941, the board of directors of Panhandle declared but withheld payment of a participating dividend in the sum of \$201,841.75 on its Class A Preferred Stock, using as a basis a compromise figure of 25 cents per share on account of the dividend payable on the common stock instead of an original declaration of 42 cents, the par value of each share of the common stock of Central Distributing Company, a wholly-owned subsidiary, theretofore distributed as a dividend. On the basis of the original declaration of 42 cents per share, the participating dividend would be \$247,592.55.

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration or application (or both) and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

*It is ordered*, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on January 6, 1942 at 10:00 A. M. in the Offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

*It is further ordered*, That without limiting the scope of issues presented by said application or declaration, particular attention will be directed, among other things, to:

(a) Whether the dividend of the common stock of Central Distributing Company was a liquidating dividend and whether such dividend may be properly allocable to the computation of the sum of \$1.50 payable on the common stock before the Class A preferred is entitled to participating dividends.

(b) Whether and to what extent it is appropriate in the public interest or for the protection of investors and consumers to attach terms and conditions with respect to the accounting entries to be

made in connection with the dividend of the common stock of Central Distributing Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-9759; Filed, December 26, 1941;  
11:52 a. m.]

[File No. 70-413]

IN THE MATTERS OF PEOPLES ICE COMPANY,  
PUBLIC SERVICE COMPANY OF OKLAHOMA,  
SOUTHWESTERN LIGHT & POWER COM-  
PANY AND CENTRAL AND SOUTHWEST  
UTILITIES COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME  
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of December, A. D. 1941.

The above named companies having filed declarations and applications under the Public Utility Holding Company Act of 1935, particularly sections 7, 10 and 12 of the Act and Rules U-42 and U-43 thereunder, regarding the following:

(a) The issue and sale by Peoples Ice Company ("Peoples") to Public Service Company of Oklahoma ("Oklahoma") and Southwestern Light & Power Company ("Southwestern") of promissory notes in the amounts of \$1,462,500 and \$625,500 respectively, bearing no interest, to be dated December 15, 1941, and maturing February 15, 1942, such notes to be issued in exchange for notes of Peoples held by Oklahoma and Southwestern which matured on September 5, 1941, bearing interest at the rates of 8% and 6% per annum respectively;

(b) Oklahoma and Southwestern will acquire all of the issued and outstanding capital stock of Peoples, consisting of 4,000 shares of the par value of \$25 per share from Central and South West Utilities Company, in the proportion which their interest bears to the note indebtedness of Peoples, i. e., Oklahoma to acquire 2,800 of said shares at an aggregate price of \$36 and Southwestern to acquire the remaining 1,200 shares at an aggregate price of \$16;

(c) Failing payment of the notes at maturity on February 15, 1942, such notes will be surrendered and canceled by Oklahoma and Southwestern; and

Said declarations and applications having been filed on October 15, 1941, and an amendment having been filed on December 15, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations and applications within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and



The above named parties having requested that said declarations and applications, as amended, become effective and be granted on or before December 24, 1941; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declarations pursuant to section 12 and Rules U-42 and U-43 to become effective and finding with respect to said declaration under Section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that

no adverse findings are necessary under section 7 (d) of said Act and with respect to said applications under section 10 of said Act that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act and that section 10 (c) (2) of said Act is not applicable, and being satisfied that the effective date of such declarations, as amended, and the date of granting such applications, as amended, should be advanced;

*It is hereby ordered*, Pursuant to said Rule U-23 and the applicable provisions

of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations, as amended, be and hereby are permitted to become effective and that the aforesaid applications, as amended, be granted.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-9760; Filed, December 26, 1941;  
11:52 a. m.]



